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OBSERVATIONS

ON

THE HISTORICAL WORK

OF THE LATE

RIGHT HONORABLE CHARLES JAMES FOX.

BY THE RIGHT HON. GEORGE ROSE.

WITH

A NARRATIVE

OF

THE EVENTS WHICH OCCURRED IN THE ENTERPRIZE OF THE EARL OF ARGYLE, IN 1685,

BY SIR PATRICK HUME.

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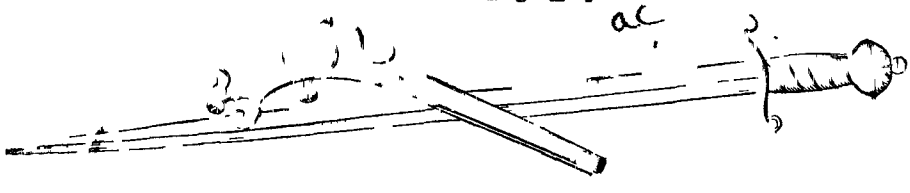

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INTRODUCTION.

I AM perfectly aware how little, in general, the Public is interested in the motives by which an Author has been induced to submit himself to their judgement; and that they look to the merits of a work, not to the causes which produced it: They will not, I know, easily accept an account of the circumstances by which the writer was led to give his production to the world, as an apology for the want of information or entertainment: I am, however, so particularly situated, in venturing again to trespass on their attention, that I cannot resist giving a short and simple statement of the motives and considerations by which I was impelled to this undertaking.

In my former publications, I was actuated by a sense of public duty: In this I obey, more imme-

executor, as a sacred trust, all the MSS. of his family, with an injunction to make use of them, if I should ever find it necessary (*a*): This necessity seems to me now to exist, and powerfully to call on me for a vindication of the character of his ancestor. I allude to the censure, contained in the third chapter of Mr. Fox's Work (*b*), on Sir Patrick Hume, afterwards the first Earl of Marchmont, and grandfather of my friend the late Earl; affecting equally the honour, the courage, and the talents of that eminent man. Those virtues and talents his Sovereign had acknowledged and rewarded; but honours are of little value, if not sanctioned by the suffrage of the country, and the approbation of good men. Such suffrage, and such approbation, had hitherto attended the honours

(*a*) This last Earl was keeper of the Great Seal of Scotland, and was distinguished for learning, for brilliancy of genius, and for parliamentary experience: He was elected for the town of Berwick, in 1734; the same year in which the late Lord Chatham, and the first Lord Lyttleton entered on their parliamentary lives; and with them distinguished himself remarkably in the House of Commons soon after he took his seat there. He died in January 1794, in his 86th year. The estimation in which he was held by his cotemporaries, early in his life, may be judged of by his close and intimate friendship with Lord Cobham and Sir William Wyndham, (the former of whom gave his bust a place in the Temple of Worthies at Stow,) and by the mention of him in Mr. Pope's well-known inscription in his grotto at Twickenham.

(*b*) Mr. Fox's Historical Work, p. 193, 197, 198, 212.

of Sir Patrick; but these the censure which Mr. Fox has adopted was calculated to tarnish, or to destroy, if suffered to pass uncontradicted; and having the materials for this contradiction in my hands, I felt it a duty I could not resist to lay them before the world.

Sir Patrick Hume, from an anticipation, as it would appear, of the obloquy which is apt to be fastened on men concerned in unfortunate enterprizes, drew up, during his residence in Holland, before he was joined there by his family, a Narrative of the Rise, Progress, and Issue of the Expedition of the Earl of Argyle, in as far as he was himself concerned, which is the paper I am anxious to publish; the authority of the document must rest in a great measure on the character of its author, which hitherto has afforded no mean argument for the veracity of the relation; but it appears to me to possess, besides, intrinsic qualities which entitle it to our belief; a simplicity, a moderation, and an agreement with the acknowledged virtues, as well as weaknesses of the principal persons whose actions it relates, with other internal evidence of truth, which the reader cannot fail to observe. Mr. Fox himself confesses, in general, the impetuosity and opinionativeness of Argyle, although they were

redeemed by a gallantry of spirit, a candor of mind, and a kindness of heart which Sir Patrick's Narrative always ascribes to him, when he would take time to consider coolly the propositions of his companions in arms, or the claims of his friends and fellow sufferers. But in adopting the opinion he states, or rather in applying the censure of the Earl of Argyle, respecting Sir Patrick Hume, he omits to make allowance for the precipitancy in the former, which the prudence of the latter must have compelled him frequently to resist; and it seems to have been very unfortunate for their common safety that Sir Patrick had not the power of more effectually counteracting that tendency to precipitation in the Leader.

Sir Patrick's sagacity and prudence, no less than the sincerity of his attachment to the cause of freedom and of the constitution, have hardly ever been denied; although Mr. Fox seems to sanction the reflection thrown upon his conduct by the Earl, whom he decorates as the hero of that part of his narrative; yet in the general estimation of his character, he does not venture to contradict the common opinion of the time, and gives Sir John Cochran credit for the sincerity of his motives, and the honesty of his intentions, from the circumstance "of his having always

" acted in conjunction with Sir Patrick Hume, who " is proved by the subsequent events, and indeed by " the whole tenor of his life and conduct, to have " been uniformly sincere and zealous in the cause of " his country (*c*)."

With such testimony in favour of the writer, and from the intrinsic air of authority which it bears, I submit with some confidence, the narrative of Sir Patrick to the world. It will be found complete, and cannot but throw considerable light on the expedition to which Mr. Fox has attached so much importance, and to which he has devoted so large a portion of his book.

The particular interest which I feel in the story and character of this illustrious ancestor of my early friend, led me first to examine attentively the narrative of Mr. Fox, the authorities by which it is supported, and the reflections with which he accompanied it; and on the attentive perusal which, from this motive, I was induced to bestow on it, I perceived, or thought I perceived, an uniform leading cause of partiality, both in the narrative and in the reflections; a certain political bias seemed to me to pervade the whole, a bias so strong and so marked, that it might seem

(*c*) Mr. Fox's History, p. 213.

doubtful whether the History was not written to support the system, rather than the system adopted from the consideration of the History. There is, as has been often observed, a certain distance of time necessary to enable an historian to write of public events with impartiality; perhaps a certain distance of opinion, if I may be allowed the expression, is also necessary; a certain remoteness in the nature of the events, and in the state of the parties, from those in which the author has been concerned, or with which he has been connected.

It is on this ground I was led to suspect the accuracy of Mr. Fox's statements, and the justness of his reflections. With perfect rectitude and impartiality of intention, a man in a particular political situation can hardly form impartial opinions; maintaining with his party, certain general political positions, and hearing, in the society of that party, a set of particular sentiments, which the interest of some, the enthusiasm of others, and in general the very war of opposition which they have maintained in common, have tended to heighten and confirm: In such circumstances it were scarce to praise a man's heart or disposition to suppose him perfectly unbiassed: his very virtues, friendship, confidence,

and social affections, are likely to betray him. Those virtues form the panegyric of Mr. Fox with his friends; they have been acknowledged by the most strenuous of his opponents. In the midst of those friends, a man with less pliancy of disposition, and less warmth of affection than Mr. Fox, is inclined to imbibe opinions unfavourable to the strict impartiality of historical discussion: He breathes an atmosphere of party, with which the constitution and temperament of his own mind can hardly fail to be affected. Mr. Fox's habits and political contests, were also unfavourable to historical impartiality: A man accustomed to debate is too often apt to argue more for victory than for conviction; and to look more to the advantage or fame of defeating his adversary, than to the justice of the cause for which he fights: He has been accustomed to contend and to dispute, rather than to discuss and to deliberate, and will much more easily form or refute arguments, than set up or weigh opinions.

The turn which Mr. Fox has given to the opinion of Lord Halifax, on a question at that time occurring, with regard to the managemement of the American colonies, is a curious instance of the bent of his mind to apply every historical incident to those

political principles which he had maintained in parliament. So much is he blinded by this propensity that, in quoting a Letter from Barillon, giving an account of the discourse of Lord Halifax, he mis-translates (certainly without intention) the passage in that Letter applicable to the doctrine which Lord Halifax maintains. The Tory ministers, he says, "maintained that His Majesty could and ought to govern "countries so distant, in the manner that should "appear to him most suitable for preserving or augmenting the strength and riches of the mother "country:" Whereas it will be found, on referring to the Letters, page 8 of the Appendix, to Mr. Fox's work, that the words "le pays" mean the colony, and not the mother country. The words are, "ils "soutinrent: que Sa Majesté Britannique pouvoit, et "devoit, gouverner des pays si éloignés de l'Angleterre "en la manière qui lui paroîtroit la plus convenable "pour maintenir *le pays* en l'état auquel il est; et "pour en augmenter encore les forces et la richesse."

In examining, I hope with candour and impartiality, the political tenets of Mr. Fox, I can scarcely be accused of an ungracious attempt to lessen the reputation of his work. The very basis of that work is free discussion; its object is to examine severely

and minutely the authorities on which former historians have asserted facts or from which they have deduced opinions; and he must be a very partial reader who can complain of a free examination of a work in which such a man as Hume is characterized in the following words: "He was an excellent man, "and of great power of mind; but his partiality to "kings and princes is intolerable: Nay, it is, in my "opinion, quite ridiculous, and is more like the "foolish admiration which women and children "sometimes have for kings, than the opinion, right "or wrong, of a philosopher (*d*)."

That Mr. Hume had prejudices I do not mean to dispute; but they were the prejudices of system, not of party. Viewing, with the eye of a philosopher, the origin and progress of the British Constitution, he probably thought he discovered in it more of the monarchical, and less of the democratical preponderance than common opinion had sometimes ascribed to it. That this general theory occasionally influenced his opinions, and even coloured his narrative, I admit; but in his details of this very portion of the British history, which Mr. Fox has chosen as an era in the settlement of its constitution, his account of the

(*d*) Mr. Fox's History, Preface to the Reader, p. xxi.

conduct of King James, and his reflections upon it throughout his reign, appear to me as severely reprehensive as could well be expected; although in giving his character, on his abdication, he shewed him more favour than he probably would have done if he had known all that has since transpired.

The natural temperament of Mr. Hume, whom in the early part of my life I saw very frequently, was that of mildness rather than of feeling; and his habits of metaphysical discussion naturally tended to blunt the edge of sensibility. His reflections are therefore less warm, whether in praise or blame, than those of more rhetorical historians; but his narrative has always appeared to me to be correct and impartial.

Mr. Fox seems to have started with a prejudice against some other historians, from a general idea of their Toryism, but omits to adduce reasons for such indiscriminate censure on them. Some of their works he appears not to have read, characterizing authors without distinction, under one general description, whose principles of historical discussion seem to be entirely opposite. Hume and Macpherson (the last probably from his name) have been supposed to be Tories; Dalrymple is of a family remarkable for Whig principles, though the conviction of dis-

covery, as he professed, or the pride of it, led him to dispute the honour and public virtue of Sidney and Lord Russell; and Somerville was professedly a zealous Whig historian, with all the enthusiasm which early political and religious education could inspire in a presbyterian clergyman.

Mr. Fox was remarkable for a most excellent natural memory; but it seems evident that, if he ever read Somerville's History, he must have strangely forgotten what he met with in it, to have classed him with Hume and other prerogative writers.

It is however due to the character of Mr. Fox to say, that I am perfectly persuaded he did not in any one instance intentionally state a false fact; but I cannot at the same time avoid observing, that it is the duty of every historian to examine, with the utmost care and industry, the accuracy of what he asserts; especially when he reasons thereupon injuriously to the memories of distinguished men. Mr. Fox has told us that he did so; he says, "he was too "scrupulous in that respect;" and his noble relation, who edited the work, in the execution of which he has given a further proof of the distinguished talents he has shewn in his public life, confirms this, in strong terms, observing that, "during some years

" in which Mr. Fox was engaged in an historical " work, he took indefatigable pains to investigate " the authority for every assertion in the writers he " consulted, and to correct the slightest variation in " their accounts, although apparently of little im- " portance."

How far the scruples in Mr. Fox's mind, as referred to by himself, and the indefatigable pains his editor states him to have taken to investigate the authority for any assertion in the writers he consulted, were effectual for the attainment of certainty as to his facts; it is incumbent on me, in the performance of a sacred duty, as far as respects the character of Sir Patrick Hume, to examine; and the observations I shall make on other parts of the work will necessarily lead to a like enquiry respecting those; in both cases I wish, where there shall be any difference between us, the merits to be tried by reference to authorities. It is on this I place my reliance for any attention from the Public; perfectly conscious how unequal I am to contend with Mr. Fox in argument: His reasoning is always powerful, and would frequently be convincing, if the facts on which it is built were correct;—it is to prevent mistakes he has fallen into, and then reasoned upon, from misleading the judgement of the

Public that I have been induced to notice any other part of his Work, than that in which I take a deep and an immediate interest.

Mr. Fox observes, that "in reading the history of "every country, there are certain periods at which "the mind naturally pauses to meditate upon, and "consider them, with reference not only to their "immediate effects, but to their more remote con-"sequences." In that remark I perfectly agree with him; although the more I have read and considered our history the more strongly I have been confirmed in the opinion I expressed in a report I made several years ago on the state of the Records in my custody, "That our constitution is too well settled now to "render an investigation of any of the earliest au-"thorities of real importance with regard to its "limits or its form. But it may not be unworthy "the attention of the Public, as an object of laudable "curiosity at least, to trace the progress of our "ancestors towards the state which is now our "comfort and our boast. It is the great praise of "the British constitution that it was formed, or "rather formed itself, progressively at different "periods by the slow and scarce perceptible gra-"dations to which the situation of the country gave

" rise: It grew to its present form by energies not " perceived in their immediate operation, but gra- " dually unfolding themselves. Its ordinances were " sanctioned by experience, cautious of change, and " yielding even to improvements only from a con- " viction of a strong necessity for adopting them. " No rash or visionary speculation created of a " sudden new powers in the government, or new " privileges in the people; they flowed from the " common and deliberate consent (taught by long " experience of their want) calling for their adoption " to produce, or evidently to promote, the freedom, " the security, and the happiness of the community. " A constitution thus cautiously adopted, has been " jealously and firmly preserved; formed for the " public good, it has been guarded by the public " spirit of the nation; and like that invisible power, " which is known by the exercise of its beneficence, " it has been revered, obeyed, and loved (*e*)."

There certainly have been fewer alterations in the nature of our government, from the time of our Saxon ancestors, when the formation of the kingdom out of the Heptarchy took place in the ninth century,

(*e*) Mr. Rose's Report on the Public Records, p. 47.

than in any other nation in Europe, during the same period, notwithstanding the Danish invasions and the Norman conquest; not one that could properly be called a revolution. It is to the grandson of the monarch in whose reign the various Saxon kingdoms were united into one government, we are indebted for establishing, in the end of that century, the basis of the constitution we have now the happiness to enjoy, by which our liberty is secured to us; and for establishing those admirable principles of law which so effectually protect our property (*f*). But that monarch, not satisfying himself with ensuring to his people those inestimable blessings, extended his views to the improvement of their commerce; and so opened the way not only to the augmentation of the wealth of his subjects, but also laid the foundation for that naval power, which, with a few exceptions, has for ages given us the sovereignty of the seas.

(*f*) Lord Coke says, the common law of England is the absolute perfection of reason, Second Institute, p. 179; and Plowden, in his learned Commentaries, says, "it is no other than pure and tried reason." Case of Mines, fo. 316. Lord Ellesmere describes it as grounded on the law of God, and extending itself to the original law of nature, and the universal law of nations. Discourse on the Post Nati, fo. 32 and 33.

From the time of Alfred, at least, England has been governed by a limited monarchy; the king always assisted by a great council, or general assembly of considerable men, under whatever name described, either as Wittengamote, Commune Concilium, or Parliament, without whose concurrence no new law could be made, nor any old one altered (*h*).

When Parliament was modelled precisely into its present form (*i*), has been contested with more vehemence, I believe, than any matter in modern history; it called forth the talents and the industry of almost all the eminent writers in this country towards the close of the seventeenth century, who took different sides of the question, and so perplexed the case by their learning, as to leave the point in considerable doubt; but the light that has been lately thrown upon the subject, by the production and publication of the earliest parliamentary proceedings, and other very ancient records (*k*), en-

(*h*) There is very full evidence of this, with reference to authorities, in Whitelock's Notes on the Writ of Summons, vol. ii. p. 111. to 168.

(*i*) Even so late as the reign of Henry VI. there seems, in judicature, to have been an odd mixture of the parliament and the King's council, vide Rotul. Parliamentorum, vol. iv. p. 334. a. and 506. b.

(*k*) For these and the Doomsday Book, the Public are principally, in the first instance, indebted to the late Earl of Marchmont, and for the

ables me to say, with some confidence, that the most generally received opinion, that the first election of members by the commonalty was in the end of the reign of Henry the Third, is correct; and it is quite clear now, that those who were so elected never sat to deliberate with the Peers (*l*), although a different opinion was long prevalent, and supported by very high authorities: It is therefore remarkable that in Scotland the whole Legislature should have sat together quite to the Union in 1707; the commissioner, who represented the King, sitting in a chair of state, from which he frequently descended to mix in debates.

I have said there have been no revolutions in our government; the changes from the Wittengamote to the Commune Concilium, and from the latter to a Parliament, were so insensible as not now to be traced accurately; and not considering the

other Records to Mr. Abbott, the present Speaker of the House of Commons; the publications in both cases taken up with great zeal in the two Houses, and every possible furtherance given to the undertakings by His Majesty.

(*l*) It is foreign from the purpose of this Work, to enter into details of such matters: Those who wish to satisfy their curiosity about them, will find much information respecting them, collected in my Report on the Records already mentioned, from folio 43 to 45.

temporary fluctuations in it, arising sometimes from attempts of arbitrary sovereigns struggling for Power, and at other times from anarchy, in that light; because, as an eminent writer of the present age has truly said, "the vigour of our free constitution "has always delivered the nation from its emba- "rassments; and as soon as the convulsions con- "sequent on the struggle have been over, the "balance of our rights and liberties has settled "to its proper level."

What is usually called the Revolution of 1688, was nothing more than a declaration of what our rights were antecedently to that event, and some improvement in our laws, to guard more effectually in future against such encroachments as had been made on those rights: The Great Charter of King John, confirmed in Parliament in a subsequent reign (*m*), was of a similar nature: The Petition of Right in 1628, the discussion of which occupied much of the attention of both Houses in that session, and to which the king reluctantly gave his assent in full parliament (*n*), and soon afterwards de-

(*m*) Rotuli Parliamentorum, vol. i. p. 240. a. and Stat. 25 Edw. I. Cap. 1. to 7. the only laws of the year.

(*n*) Journals of the House of Commons, vol. i. from p. 890. to 919. b. Rushworth, vol. i. p. 537. 546. 548. 643. The entries, which will shew

parted from in many instances, was likewise a mere declaration of existing rights, which the two Houses thought had been violated. On the last occasion of the sort, when the Act of Settlement was passed in the beginning of the last century, nothing more was done than asserting what had been long established, and adding a few provisions for still further securing our religion, liberties, and laws (*o*).

With respect to our laws, not only the principles established, according to some as anciently as the Britons, certainly as early as the Saxons, remain unshaken, but the very forms have undergone few alterations, considering the length of time (*p*), except in some instances, to which the improvements in civilization naturally opened the way, such as

on what grounds the two Houses proceeded, are the most full in the Lords Journals, vol. iii. from p. 786. to 851. At the first conference Sir Edward Coke affirmed that this mode of proceeding by petition was the ancient way, until the unhappy divisions beween the houses of York and Lancaster, p. 789. and when he delivered it at the bar of the House of Lords, he said, "it contains the true liberties of the subjects of England, and a true "exposition of the Great Charter," p. 825.

(*o*) 12th and 13th Will. III. ch. 2.

(*p*) Whitelock proves the existence of the Court Leet before the conquest, in his notes on the writ of summons, vol. ii. p. 417. And manors occur in every page of Doomsday.

abolishing the state of villainage (*q*), trials by ordeal (*r*), battle (*s*), &c. and in some changes in the right of succession to property. Even the time when the courts of judicature for civil and criminal

(*q*) There appears to be no means of fixing the precise time when this ended. In the year 1514, 5th of Henry VIII. there is a manumission from that King, of two persons in the following terms, "Whereas "originally God created all men free, but afterwards the laws and cus- "toms of nations subjected some under the yoke of servitude. We "think it pious and meritorious with God to make certain persons abso- "lutely free from servitude, who are at present under villenage to us: "Wherefore we do accordingly manumit and free from the yoke of "servitude Henry Knight, a taylor, and John Erle, a husbandman, our "natives (*nativi*) as being born in our manor of Stoke Clymmyslande, in "our county of Cornwall, together with all their issue born, or hereafter "to be acquired by them, so as that the said two persons, with their issue, "shall henceforth be deemed by us, and our heirs, free, and of free con- "dition." Rymer's Fœdera, vol. xiii. p. 470. And so late as in the reign of Queen Elizabeth there is a warrant from the Queen directing manumissions to be granted under the Great Seal, for all her subjects born bonde in blode, and regardant to divers manors, in the counties of Cornwall, Devon, Somerset, and Gloucester, on reasonable fines for their manumissions, Rymer, vol. xv. p. 731. but Tenures by Knight's service, by homage, escuage, &c. were taken away by an express statute, 12th Ch. II. chap. 24. which will be noticed hereafter.

(*r*) Put an end to in the reign of Hen. III. Pat. Roll. 3 Hen. III. part 1. mem. 5.

(*s*) This has been insensibly discontinued, there is no law for prohibiting it; the latest instance I find of it is in the 7th of Charles I. stated in my Report on the Records, p. 38; and for all the forms see Dugdale's Origines Juridiciales, 2d edition, p. 65. to 87.

matters were established as at present constituted is not known with certainty, for the earliest records of the King's Bench and Common Pleas are so mixed with the latest of the Curia Regis, that the separation of the two former from the latter cannot be precisely ascertained. No notice is taken of the customs of Normandy, added to our common law by William the Conqueror, because they were nearly abolished so early as in the reign of his ſon Henry the First (*t*).

Fortunate, however, as we have been in the uniformity of our constitution, and of our laws, I have long lamented the want of a work that would illustrate the most interesting periods in our history, and direct the attention of the reader to them, in order to assist those who wish to trace effects to their causes, as alluded to by Mr. Fox, and to fix particular points and circumstances attending them in their memory. That desideratum Mr. Fox, however, had it not even in contemplation to ſupply; his intention, if he had carried it fully into effect, having been only to give an account of the re-establishment of our liberties in 1688, (undoubtedly the most interesting event in our history), and of

(*t*) Lord Coke's Reports, lib. 3. in procemio; where will be found a Diſſertation on the Antiquity of our Law.

what led to it; and after the employment of some years of his valuable time, he has left us no more than the history of a part of the first year of the reign of James the Second, and an introductory chapter of some events in the reign of Charles the Second, mixed with occasional observations on occurrences in the reign of Charles the First. The period was most eventful, but the industry of former writers had produced every thing that was essential in it; and it will be seen in the following sheets, that the transcendant talents of the one now under consideration, assisted by the industry of himself and his friends, did not enable him to bring into view one new historical fact of any importance, or to throw an additional gleam of light on any constitutional point whatever; but that on the contrary, he has stated with confidence some facts which are at least extremely doubtful, on which some of his reasoning is founded.

Vertot's Account of the Revolutions of Rome has been found very useful by persons who have read the Roman History; but the best model that I have met with for such a work, as appears to me to be much wanted, is a short History of Poland, which I translated nearly forty years ago, but did

not publish; the manuscript of which His Majesty at the time did me the honour to accept, and it probably is still in His Majesty's library.

I then thought of attempting a history on the same plan for this country; but I gave up the intention, more from a sense of my incompetency, than from the close employment which occupied nearly my whole time. I heartily wish some one more equal in all respects to the task may embark in it, and execute it usefully.

In France, whatever defects there are in their history, those are supplied by a regular series of memoirs from Philip de Comines down to the present age; but of such writings hardly any exist in this country; we are therefore perpetually at a loss in endeavouring to trace what occasioned the most important occurrences in its history. As this applies most forcibly to what passed in 1688, we must regret that Mr. Fox did not complete even what he intended because we cannot consider any thing that led to the measures then adopted with too much attention; nor can any inhabitant of this country feel too high a gratification at the complete success of those measures the strong and positive necessity for which there cannot be much clearer proof of than has been pro-

duced by Sir John Dalrymple, who tells the descendants of great families in this country, " that " there are few of them who will not find, in his " fifth and sixth books, that their ancestors, of " whatever party they were, had a hand in them " one way or other (*u*)." The satisfaction he expresses at this is natural, after having in his preceding books waded through evidence much too clear of the depravity and corruption prevailing to a great extent almost immediately before the Revolution took place. What a picture is exhibited in Barillon's correspondence of several of the most considerable men in the kingdom! Mr. Fox says, " Boling- " broke in particular had confounded the distinct and " even opposite views of the two leading parties, " who, though they concurred in the measure, re- " tained even in their union all their respective " tenets and fundamental distinctions." Of Lord Bolingbroke's character, I am not likely to enter on any defence; but in this instance his authority is respectable; for although he was not of an age at the Revolution to mix in public measures, he lived in habits of the closest intimacy, and most entire confi-

(*u*) Dalrymple's Appendix, 2. p. 180.

dence, during some years, with those who were most active in placing King William on the throne; the subsequent separation from whom, in the latter part of the reign of Queen Anne, did not induce him to change the favourable opinion he had entertained of those Statesmen, when he was acting with them; for to the very close of his life he continued to say he was persuaded there hardly ever lived a man of stricter integrity, of more consummate wisdom, or of sounder judgement than Lord Sommers; to whom he gave the principal merit of the wise provisions in 1688: On the Duke of Marlborough, as well as on some others, he bestowed great praise; these opinions were expressed repeatedly in conversations with the late Lord Marchmont, while they lived together at Battersea and in France. By him they were related to me, and I have never doubted the truth of them, because during the period of Lord Bolingbroke's closest retirement, and on communications of a very private nature, he could have no possible inducement for concealing his real sentiments on such subjects. On another period highly interesting to us, I mean previous to the accession of the Brunswick Family to the throne of these kingdoms, we are, if

possible, still less enlightened, especially towards the close of the life of the Queen; but from what can be collected, there is too much reason to believe that the men who were in power at the time were looking with much more anxiety to the means of continuing themselves in their situations, or improving them, than to any other object; and that those who were out of power were principally interested in considering how they should attain it: For the first, I have, in addition to all that has been published on the subject, again the authority of Lord Bolingbroke, which also in this instance I think unquestionable for the reason before assigned, and because the anecdote is not to his advantage. He told Lord Marchmont (*x*) that a very short time before Her Majesty died, himself and some other principal members of the government were extremely anxious that some decision

(*x*) I am aware that such private conversations are not the most unexceptionable evidence of historical facts; but I think I may rest on the acknowledged uprightness of Lord Marchmont's character for the correctness of his statement; for that of Lord Bolingbroke I can only appeal to the particular situation in which he stood at the time; and the corroborating circumstances of other undisputed historical facts. I have the less scruple in alluding to these circumstances, as they have no relation to any points of controversy with Mr. Fox.

should be taken as to the line to be pursued on the expected demise of the crown, when after much consideration, it was agreed among them that the Duke of Shrewsbury should press Lord Oxford to a determination on that head; who accordingly, in a cabinet meeting, urged his lordship, even to tears, that he would resolve which court they should go to, offering for himself, and those at whose instance he made the entreaty, to follow him to either (*y*). It is quite clear that Lord Bolingbroke had at that time no fixed inclination towards the court of St. Germains, because not long before, when the Abbé Gualtier was here on a negotiation then depending, on quitting Lord Bolingbroke's room, after they had been transacting business, he left a letter on the table, sealed with the arms of England: On his Lordship observing this, the Abbé was immediately called back, and the letter put into his hand, with an assurance, that if he

(*y*) For Bolingbroke's intrigues, see Macpherson's Original Papers, vol. ii. p. 366. 373. his removal, p. 651. Harley's intrigues, ibidem, p. 322. 365. 366. 379. 387. 400. 405. 407. 413. 417 to 428. 455. 456. 463. 472. 473. 475. 490. 495. 496. 502. 505. 511. 516. 518. 529. and especially 503 and 516. Account of the quarrel between Oxford and Bolingbroke, 439. Designs of the ministers, particularly Lord Oxford, to bring in the Pretender, ibidem, 515 and 516. The conduct of the ministers in the Queen's last illness, ibidem, 530 to 534.

should ever repeat the attempt, he would be sent out of the kingdom at an hour's notice (z).

What the wishes of many of the Tories were, was little attempted to be concealed; and that some of the Whigs were not acting on a fixed principle of attachment to the Protestant succession (*a*) is now clear from their correspondence with the Court of St. Germain's, in the reigns of King William and Queen Anne, especially the latter: In truth, the conduct of many of the leaders of both parties affords a disgusting

(z) This likewise was stated in conversation by Lord Bolingbroke to Lord Marchmont. See also Macpherson's State Papers, vol. ii. p. 234. 550.

(*a*) I am unwilling to enter any further into this part of the subject, but those who wish to inform themselves respecting the intrigues of the Whigs with James after the revolution, and with his son, will find abundant and conclusive proofs of the fact, as well from papers which were in the possession of King William, as from those found in the repositories in Paris, published by Macpherson, vol. i. p. 243. 244. 245. These are from the Life of James, written by himself;—457. 479. 480. 481. 513. 588. from original papers;—606. 627. Stewart Papers;—637 Hanover Papers;—674. 683. 695. 699. Stewart Papers;—vol. ii. p. 101. Stewart Papers. The anecdote from the Stewart Papers, of Lord Wharton being in possession of a letter from Lord Godolphin to the Pretender, was stated by Lord Bolingbroke to Lord Marchmont more than thirty years before Macpherson went to Paris; in confirmation of the truth of which Lord Bolingbroke mentioned a particular instance of Lord Godolphin and the Duke of Marlborough voting with Lord Wharton in consequence of his having the letter, on which occasion the latter triumphed with a very coarse joke. For further intrigues of the Whigs, see the same volume, p. 133. 158. 160. 161. 162. 228. 315. 458. Stewart Papers.

picture of what men may be induced to do by a love of power and of situation (*b*).

Lord Bolingbroke has given a full account of the motives for his conduct after the death of the Queen, in his letter to Sir Wm. Wyndham; to Lord Marchmont he accounted for his flight by assurances that he had a clear conviction that Lord Oxford had made his peace with the Whigs, and that he, Lord Bolingbroke, was to be the sacrifice to that peace; whether the latter assertion was true cannot now be ascertained, but it is as nearly certain as any thing can be, from circumstantial evidence, that the former is accurate; as it is evident the proceeding against the Earl on the accession of George I. was never meant to affect his life or fortune, though he endured an imprisonment of considerable length. Whatever there was justly censurable in the conduct of Bolingbroke, and unfortunately there was a great deal too much, the contemptuous treatment he met with in the Pretender's court was no slight punishment for it (*c*).

(*b*) See Macpherson's Original Papers, vol. ii. p. 438.

(*c*) Having been led by Mr. Fox's observation to mention this nobleman, I cannot resist expressing my deep regret that some essays written by him in the latter end of his life are not to be found among his works; because they would have illustrated many interesting occurrences in his own time, and would have shewn his mind in a different state from that to which it has

Such is the general view which I have formed of the nature and tendency of Mr. Fox's publication;

been sometimes supposed to be subject. How it happened that they were not published by Mr. Mallet it is not necessary to state here; they were certainly written; for in a letter to Lord Marchmont from Argeville, August 8th, 1740,* on the occasion of the death of Sir William Wyndham, Lord Bolingbroke says, after mentioning some Essays he was writing, "This puts me in mind of some miscellaneous writings "that I shall leave behind me, if I live a little longer, and enjoy a little "health; the principal parts of them will be historical; and these I "intended to address to Wyndham; permit me to address the whole to "you. I shall finish them up with more spirit, and with greater pleasure, "when I think that if they carry to posterity any memorial of my weakness "as an actor, or a writer, they will carry thither a character of me that I "prefer to both, the character of Wyndham's and Marchmont's friend." His Lordship certainly fulfilled his intentions, which was proved not only by what he said to Lord Marchmont, but in a subsequent letter of October 1742,* he alludes to closer retirement in France, and says to the Earl, "it "is there I propose to discharge my promise to your Lordship, and to "put together many memorials, anecdotes, and other miscellaneous pieces "which I have in my power, or the materials of which are so; they shall "be addressed to your Lordship most certainly; the subject of a great part "will probably carry the whole down to posterity; and there is nothing "can flatter me more agreeably than to have future generations know "that I lived and died your Lordship's friend." In which letter Lord B. says he has sent one of these productions to Pope, "that may not only "stay, but stop his longing for the rest."

I have a great number of letters from the same Peer, Lord Stair, the Dutchess of Marlborough, Sir William Wyndham, Lord Chesterfield, Mr. Pope, and others, to Lord Marchmont, in which there is much interesting matter respecting transactions from Queen Anne's time to the year 1750;

* In my possession.

and of what it would have been if his eminent talents had been employed to the best advantage of the Public. In the following sections I shall proceed to observe on such parts of the work as appear to me to be particularly deserving of attention, and then add the memoir of Sir Patrick Hume, and a few other papers in the shape of an Appendix.

The original of the notes of Lord Dartmouth on Burnet's History, referred to in the following Work, are in manuscript in the margin of the folio edition of the Bishop's History of his own Time, in the possession of the present Earl; they were written by his grandfather, the second Earl, who was Secretary of State in the Reign of Queen Anne; and his Lordship very obligingly allowed me to take copies of such of them as I wished.

In examining this work of Mr. Fox, I am particularly jealous of my own judgement; I am sufficiently aware of the impression with which the Public

but although under no injunction to the contrary, I have at prefent no thought of publishing them; with the exception of one from Lord Stair, which, as it puts the conduct of the Duke of Marlborough, when the determination was taken to remove him from the command of the army in Flanders, in a different point of view from that in which it has been generally seen, should, I think in justice to his memory, not be withheld. This letter will therefore be found in the Appendix.

may peruse the commentaries of a man who had been very long honoured with the confidence, and enjoyed the affectionate friendship, of his principal political opposer: I am certain that from this feeling I have been more scrupulous both of my authorities and of my own opinions, than I might have been in commenting upon the work of any other author. But while the friendship and partiality which no man was better qualified to gain, or to conciliate, than Mr. Fox, lives, and justly lives, after him, the opposition of every liberal man has died with its object. My opposition, if I may presume to speak of any thing so utterly unimportant, was altogether on public grounds. There was a time when I hoped that my country might have profited by the junction of two such men as one and the same period has seldom witnessed. But in reading Mr. Fox's History, I have conceived a doubt how far the co-operation of those two illustrious men could have been permanent. The political principles of Mr. Pitt would certainly not have accorded with those of Mr. Fox, in the manner in which he has developed them: Whether in another situation he might have acted according to the demonstration of his principles in his book, cannot perhaps with certainty be asserted; difference in situation in the individual gives

rise to different views from different opportunities of information, without supposing any inconsistency in the change. Every man conversant in matters of State will be cautious of imputing a fluctuation of mind, or dereliction of principle, to the conduct of a Minister, because it is different from that which in opposition he supposed the best, or argued as the most expedient (*d*).

I am aware that for the inaccuracy of statements an Author can plead no excuse; even for failing in argument he will not find it easy to apologize successfully from any particular circumstances in his private situation. He who gives such statements, or advances such arguments to the world,

(*d*) In an epistle of Cicero to Lentulus, he says, "it appears to be the "dictate of sound policy to act in accommodation to particular con- "junctures, and not obstinately persevere in one invariable scheme, "when the public circumstances, together with the sentiments of the "best and wisest members of the community are evidently changed. "In conformity to this notion the most judicious reasoners on the art "of Government have universally condemned an inflexible perseverance "in one uniform tenor of measures. The skill of the pilot is shewn in "weathering the storm, at least, though he should not gain his port;" and then adverting to the object of persons (in the administration of the commonwealth) of securing an honourable retreat, he adds, "it is "by having been inflexible in our intentions for the Public welfare, "and not by a positive perseverance in certain favourite modes of ob- "taining it." Octavo, London 1753, vol. i. p. 194.

is responsible for the publication; which if he could not make it more perfect he had it in his power to suppress; yet, after a fair consideration shall have been had of the motives which I have already mentioned for the publication of this paper, and a due allowance shall have been made for the necessity of these observations appearing, while Mr. Fox's Work was fresh in the memory of those who have read it, I hope I shall be allowed, in extenuation of their imperfections, to state that it has not been in my power to employ many more weeks in their composition (in the midst of almost unremitting attention to official duties, which take equally from the disembarrassment of the mind as from the leisure of time) than Mr. Fox did years in the composition of that work on which I am about to use the freedom of commenting.

Cuffnells, Jan. 1809.

SECTION THE FIRST.

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Mr. Fox's distribution of periods of the English history.

MR. FOX, passing by our early history altogether, distributes the periods into which he thinks his work should be divided, from the latter end of the fifteenth century, in a manner not quite intelligible.

His first period.

His first period is from the accession of Henry the Seventh to 1588; which he might surely have carried on to the end of the reign of Queen Elizabeth; as there was no change of system under her government, hardly indeed of men, except such as was occasioned by death: and the authors, to whom he attributes justly the astonishing progress of literature, wrote in her reign; Hooker died in it; Sir Walter Raleigh (to the disgrace of his sovereign) suffered in that of her successor; and

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in that reign also died Bacon, one of the founders of English literature, as well as the restorer of philosophy. Nor does it appear why our tranquillity having been uninterrupted should have influenced his decision in this respect; because our being at peace or war could have had no effect on our constitution. As little should the observation of Mr. Fox, respecting "the additional "value that came to be set on a seat in the House of "Commons," have been a guide to him; as there is evidence, that so late in his period as 1571 a seat was purchased for five pounds, for giving which sum a member was expelled *.

Execution of Charles I.; and Attainder of the Earl of Strafford.

It will be as difficult to maintain the accuracy of Mr. Fox's next proposition, "that the execution of the "King was a far less violent measure than that of "Lord Strafford;" which he has not supported by any reasoning, or statement, to shew on what he founds that opinion. For Bills of Attainder there were, at the time, a great number of precedents in the Rolls of Parliament, in different reigns; and there have been similar acts since the Revolution. Sir John Fenwick was executed under the authority of one; Lord Bolingbroke and the Bishop of Rochester were banished by a like authority: exclusive of other acts

* Mr. Long, member for Westbury. Journal of House of Commons, Vol. v. p. 88.

of the kind, in cases of fugitives who had been in actual rebellion.

The violence and injustice in Lord Strafford's case consisted in the Commons having first proceeded against the Earl, who was present, by impeachment, to a considerable length; and on failure of evidence on which he could be convicted, passing a Bill of Attainder, without having the pretence of a suspicion that he had procured the absence of any witnesses: to which Bill, after it had received the concurrence of the Lords, the King was, from the then state of things, very reluctantly compelled to give his assent *.

The proviso in it, which has been supposed to intend that the act shall not be drawn into precedent, enacts no more than, that nothing shall be taken in law to be Treason, and be so interpreted in the Courts, which was not Treason before the passing of the act: plainly meaning that it should not influence the conduct of the

* After the Restoration, the House of Lords, in order to mark their disapprobation of this measure, made an order that all the proceedings on the Bill of Attainder in their Journals should be obliterated: under which order, the person employed blotted out also those on the impeachment, which were strictly constitutional. The House, therefore, after the Revolution, directed the latter to be restored: that, however, was not done, from the difficulty attending it, till the present reign, by the author of these sheets. Lords' Journals, 15th of February, 1768, Vol. xxxii. p. 80.

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Courts of Law in their decisions, nor be intended to limit the power of future Parliaments.

In making a comparison between the injustice and enormity of this case and that of the King, which occurred eight years afterwards, Mr. Fox does not seem to have attended to the distinction between an abuse or breach of a constitutional law, and a total departure from, or overturning of, the constitution itself.

The forms as well as the principles of criminal jurisprudence were confounded by the violence of party, in the proceedings against the Earl: but the violence of republicanism set aside all considerations of the monarchical part of the constitution, in the proceeding against the King. There were precedents, as mentioned above, for the proceeding by Bill of Attainder, though not, as unjustly applied to the case of Strafford, on the failure of evidence on an impeachment; but there was no example by which the trial and execution of the King could be sanctioned.

Mr. Fox says that Mr. Hume, perhaps unintentionally, sets up the best justification of the King's execution, by saying, that while Charles lived the projected republic could never be secure: but can such an act of atrocity and violence be justified, on the

ground of its being necessary to support a system of government destructive of the constitution of the country, and not less blameable, though less calculated to excite personal horror, than the atrocious act by which it was supported? Mr. Hume certainly does not attempt to set up such a justification.

Publicity of the trial of the King.

But, according to Mr. Fox, our horror at the atrocity of the King having been put to death is to be abated by the publicity of the act. He considers "that among the modes of destroying persons in such "a situation, there can be little doubt but that "adopted by Cromwell and his adherents is the least "dishonourable;" because Charles was not put to death in a corner, as in the case of former Kings: and he expresses a doubt, "whether this singular pro-"ceeding has not, as much as any other circumstance, "served to raise the character of the English nation "in Europe in general:" stating also, that "he who "has read, and still more he who has heard in con-"versation, discussions upon this subject by foreigners, "must have perceived, that even in the minds of those "who condemn the act, the impression made by it "has been far more that of respect and admiration "than that of disgust and horror." He alludes also to the splendour and magnanimity of the act; explaining himself to mean the publicity and solemnity of it.

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These sentiments must, in the minds of many, excite considerable astonishment. It is hardly to be imagined that it could have entered into the human mind to conceive, when a positive and fixed determination was taken to put the King to death, that it could be either an alleviation to his misery, or could inspire foreigners with respect, to make a public and degrading exhibition of him; and to afford an opportunity to the meanest and most inflamed of the populace to scoff at and to insult him: to say nothing of the humiliation he must have felt at being charged as a criminal before the instruments of Cromwell*, who were appointed to try him.

It cannot at this time be pretended, that the public trial furnishes any proof that it was approved of by the whole body of the people of England. It is impossible to be sure of what their sentiments in every part of the kingdom were; but it is most notorious, that it was under the influence which Cromwell had acquired with the army that he removed Charles out of the way of his ambition. The instances which Mr. Fox adduces of

* For his judges being so we have Mr. Fox's own authority. His words are: "that the execution of the King, as well as others, are not to "be considered as acts of the Parliament, but of Cromwell; and great "and respectable as are the names of some who sat in the high Court, "they must be regarded, in this instance, rather as the ministers of that "usurper than as acting from themselves." Mr. Fox's Historical Work, p. 13.

the deposals and deaths of Edward the Second, Richard the Second, Henry the Sixth, and Edward the Fifth, are of a kind too savage to be quoted as precedents of any proceeding which can pretend to be of a legal or judicial character.

If such high praise was, in the judgment of Mr. Fox, due to Cromwell for the publicity of the proceeding against the King, how would he have found language sufficiently commendatory to express his admiration of the magnanimity of those who brought Lewis the Sixteenth to an open trial! His indeed was a public one, by a body of men chosen by popular elections, who, however, had not confidence enough in their constituents concurring with them in the measure, to induce them to agree to an appeal to the people, notwithstanding the nation was in a state of irritability, artfully worked up almost to phrenzy. And yet it will hardly be said, that Englishmen generally have considered that act as exalting the character of the French nation; or that it entitled the Girondists, or the Terrorists who were acting with them, to much respect.

In that instance, however, there does not seem to have been a predetermined resolution to put Lewis the Sixteenth to death; although there would not probably have been a prospect of his recovering his liberty, if

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he had escaped with his life. But as it would be difficult to form a probable conjecture of the sentiments of foreigners respecting the execution of Charles the First, it is not worth while to oppose the opinion of any, expressed either in writing or conversation, to those stated by Mr. Fox.

Mr. Fox's second period of the English History.

The discussion in the second period, ending in 1640, might perhaps have included the third, ending with the death of Charles the Second, and not improperly have been extended to the Revolution; as the measures in the reign of James the First, and the early part of Charles the First, produced the consequences which followed in the remaining part of the latter reign, and in the reign of his son and successor. The termination of the third period with the reign of Charles the Second seems not to have been well considered; as the reign of his brother was surely not less remarkable for religious dispute and political contest than his own.

Mr. Fox's last period.

This last period, between 1640 and 1684, is fixed on by Mr. Fox as the one in which the most memorable and salutary improvements were made in our laws, and in which there was the most abandoned administration of them: in fine, he adds, "whatever can "happen to a nation, whether of glorious or cala- "mitous, makes a part of this astonishing and

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" instructive picture*:" and afterwards points out a particular year within that period, when the constitution had attained its greatest perfection; the correctness of which we shall consider in its proper place.

Character of Monk.

Our attention is next attracted by Mr. Fox's observations respecting General Monk; of whom he says: " The army had fallen into the hands of one, " than whom a baser could not be found in its lowest " ranks. Personal courage appears to have been " Monk's only virtue: reserve and dissimulation made " up the whole stock of his wisdom. But to this man " did the nation look up, ready to receive from his " orders the form of government he should choose to " prescribe†." And a little farther he adds: " And " if the promise of indemnity may seem to argue that " there was some attention at least paid to the safety " of his associates in arms, his subsequent conduct " gives reason to suppose, that even this provision was " owing to any other cause, rather than to any " generous feeling of his breast: for he afterwards not " only acquiesced in the insults so meanly put upon " the illustrious corpse of Blake, under whose auspices " and command he had performed the most creditable " services of his life; but, in the trial of Argyle, pro- " duced letters of friendship and confidence, to take

* Mr. Fox's Historical Work, p. 9. † Ibid. p. 19.

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" away the life of a nobleman, the zeal and cordiality " of whose co-operation with him, proved by such " documents, was the chief ground of his execution: " thus gratuitously surpassing in infamy those miser- " able wretches, who, to save their own lives, are " sometimes persuaded to impeach and swear away " the lives of their accomplices*."

Mr. Fox's censure on him for making no stipulations with Charles previous to the Restoration.

In these passages there is a severity, neither supported by popular belief, nor by the authority of history. The General contributed to the overturning a government, which Mr. Fox, with all his seeming partiality for one partaking much of republican principles, would not have ventured to recommend. And although there might have been reason to regret that Monk did not, in the case of the Monarch he was about to restore, attempt at least to stipulate for restrictions on the power which had been abused in the former reigns; it must be recollected that, in the crisis of this event, there could hardly have been time or opportunity for settling the boundaries of future power in any branch of the government. The restoration of the Monarchy of England might, in his opinion, have implied all the limitations of its ancient constitution; and it might have appeared to him, that any delay in devising provisions " in favour of the cause of liberty,"

* Mr. Fox's Historical Work, p. 20.

as Mr. Fox expresses it, would have incurred a serious risk of defeating the principal measure altogether. He might too have been less anxious in that respect, from his having been witness of a liberty, in the abuse of which the nation had found itself the slave of despotic power, though exercised under another name than that of King.

It is remarkable that, in the very next page to that containing the character of Cromwell, to whom no vice is imputed but that of hypocrisy, this of Monk should have been drawn, in contradiction to the opinion of his contemporaries, and the united testimony of historians, with the single exception of Bishop Burnet *, in terms which stigmatize him with every baseness, and allow him no virtue (or rather good quality) but personal courage.

It will require a great partiality for a republican form of government to account for this predilection in

* The experience the author had of how very little reliance was to be placed on the Bishop's single authority, led him to entertain a strong suspicion respecting the production of the Marquis of Argyle's letters by Monk: and having observed the reliance placed on the Bishop's accuracy throughout the work, he was induced to collect such evidence as he could immediately meet with, in support of the opinion he has very long entertained; contrary to the one expressed by Mr. Fox, who says, "that "an unfortunate inattention on the part of the reverend historian to "forms, has made his veracity unjustly called in question." P. 140, of his Historical Work. The paper containing which evidence will be found in the Appendix, as it is too long for a note.

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favour of the destroyer of a Monarchy, and this prejudice against the restorer of it. In support of this general character of Monk, the most positive evidence of his guilt was looked for, with respect to the two specific facts with which he is charged; because, if some censure was called for on a general, "who had "gained his rank, reputation, and station in the "service of a republic, and of what he as well as "others called, however falsely, the cause of liberty, "made no scruple to lay the nation prostrate at "the feet of a Monarch, without a single provision in "favour of the cause;" it should yet be recollected, that in this instance, in addition to what has been already suggested, the General might have been so disgusted with the scenes which had passed under his eye, during the usurpation of Cromwell, and the government which succeeded to that, as to feel himself happy in giving his assistance to bring about any change likely to restore order: and that however anxious he believed the body of the people to be for the restoration of Royalty, (for it was not from personal attachment to Charles that so much zeal was shewn,) he might have apprehended he should incur some risk of disappointment from his army, if he had attempted any thing which would have led to difficult and perplexing discussions; especially as he appears to have had so little confidence in their co-operation, that in his whole march from Scotland, and for some time after his

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arrival in London, he carried on his design with great secrecy, management, and adroitness.

The character of Monk does not appear to be so perfect as to justify unqualified praise being bestowed upon his memory: but it must be admitted, that the protection of the people against future encroachments by the Crown not having been provided for, should not be imputed exclusively to him.

Conduct of the Parliament in that respect.

After the abdication of Richard Cromwell, the Rump Parliament met; and then the excluded members obtained admission. After which, Fleetwood, who was Commander in Chief of the army in England, agreed to send Whitelock to the King, at the instance of the latter, with an offer of his restoration "upon "such terms as the King should agree upon;" from which Fleetwood was diverted by Vane, Desborough, and Berry, who urged that he could not stir in the business without the consent of Lambert, who was at a distance*. But before there was any direct intercourse with the King, the remains of the Parliament had dissolved themselves, after passing a vote that no one who had been in arms against the Parliament should be eligible to the new one, in order to guard as effectually as they could against the choice of royalists:

* Whitelocke Memoirs, p. 690.

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and in consequence of writs having been sent generally throughout England, a free convention met, in which the Lords assembled also. It was, therefore, by an assembly, elected by the unbiassed voice of the people, in pursuance of an act of the Commonwealth Parliament, under the restriction of that vote, that the King, banished and proscribed, in poverty and distress, and entirely unprotected by any foreign Sovereign, was called to his throne without conditions: in which the Lords, who had been deprived of their power from the death of the late King, concurred; they having re-entered their house, and having been acknowledged by the Commons as a part of the legislature.

Difference of circumstances at the periods of the Restoration and the Revolution.

Without meaning to press arguments in defence of any of these parties, it must be admitted that they were under very different circumstances, in all respects, from the persons to whom we are indebted for having secured to us our religion, our laws, and our liberties, by the Declaration of Rights, and other proceedings at the Revolution. It is not improbable, that if any man, at the Restoration, had even suggested a new check on the regal power, he would have been considered as an enemy to Royalty, and would have been treated accordingly *. It is evident that at that time the

* Welwood, who wrote an account of the transactions of these times, at the express desire of Queen Mary, after whose death they were found

attention of almost all the persons, whose opinions were likely to have influenced them to adopt measures of wise precaution to guard against future evils, were entirely occupied in providing for their own safety: Whereas, in the latter period, there was full leisure for deliberation; and the situation of the expectants of the crown enabled the eminent men of that time to make such stipulations as they thought necessary for the security and the happiness of the people. In such a state of things, the wisdom, the experience, the talents, the political courage, and the virtue of Lord Sommers alone would have been almost sufficient to have ensured the success of the measures, which have happily proved to be so effectual for the attainment of their object.

On an impartial review of the state of matters, previous to the Restoration, (according to Mr. Fox, the worst sort of revolution,) it appears that too much praise has been bestowed on Monk by those who approved of the measure, and too much censure by

in her cabinet, and were then printed with a dedication to King William, says, "It looks as if Heaven took a more than ordinary care of England, "that we did not throw up our liberties all at once, upon the restoration "of the King; for, although some were for bringing him back upon "terms, yet after he was once come, he possessed so entirely the hearts "of his people, that they thought nothing was too much for them to "grant, or for him to receive."

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those who disapproved of it. It is true that he gave great furtherance to it; but in doing so, he only fell in with the eager and anxious wishes of almost all descriptions of men in the country: for we can now hardly trace a movement to attempt to prevent it, except by individuals who were under apprehensions for their personal safety.

Even the seizure of the Crown lands, and the sale of the Bishops' lands, which took place during the civil war, which it was supposed would operate powerfully against restoring the former government*, do not appear to have had any effect in checking the zeal of the people, who called loudly for its restoration; although it was believed there were above four hundred thousand families in the kingdom engaged to the Parliament by those purchases†. Ludlow says, authority was given to sell the estates of the Crown and the Church, if ten years value could be had for them; but that they were sold at the clear income of fifteen, sixteen, and seventeen years: and that the ministers, whose maintenance was enlarged by the impropriations belonging to the Bishops and Deans and Chapters, could not be restrained from inveighing against the Parliament, and conspiring with their enemies both at

* The names of the purchasers of the Bishops' lands will be found in Willis's Survey of the Cathedrals.

† Lord Sommers's Tracts, Vol. iv. p. 485.

home and abroad *. It is certain too, that great numbers of the officers and soldiers had assignments, for arrears due to them, on the estates of persons who had forfeited those estates for their adherence to the King.

Treatment of the corpse of Blake.

The story respecting the treatment of the corpse of Blake rests on the authority of Neale's History of the Puritans †; and is refuted by Grey, in his impartial examination of that history ‡, and by clear evidence adduced by Bishop Kennet in his Historical Register §. It appears by the latter, that, after the Restoration, there was an order to remove the dead bodies of those who had acted against the King, and had been buried in Westminster Abbey; amongst others, those of Cromwell, Ireton, &c. whose remains were ignominiously treated; but Blake's was with great decency re-interred in St. Margaret's Church-Yard ||.

* Ludlow's Memoirs, Vol. i. p. 299.

† Vol. iv. p. 174. ‡ Vol. iii. p. 315. § Page 536.

|| In the weekly paper (in possession of the author) entitled Mercurius Publicus, No. 4. published by authority, there is the following paragraph. "Westminster, this day, (January 26th, 1661,) in pursuance of an order "of Parliament, the carcases of those two horrid regicides, Oliver "Cromwell and Henry Ireton, were digged up out of their graves, "which (with those of John Bradshaw and Thomas Pride) are to be "hanged up at Tyburn and buried under the gallows." And in the next number of the paper, the particulars are stated; but not a syllable respecting the corpse of Blake.

SECTION I.

Charge against Monk of having furnished evidence for the conviction of the Marquis of Argyle.

On considering the evidence accessible to every one, when Mr. Fox wrote, respecting the share Monk is represented to have had in the death of the Marquis of Argyle, it will be found that the charge against him for so infamous an act rested, as has been observed, on the assertion of Bishop Burnet, which appears to have been satisfactorily refuted by Doctor Campbell, who, notwithstanding his political principles, was most zealously attached to the family of Argyle. In his Lives of the Admirals *, he states, in contradiction to the Bishop, that the fact cannot be true; in support of which he adduces reasons, referring to proofs not only of Monk's innocence as to that charge, but of his being an advocate for mercy even to the regicides: and further arguments, with reference to authorities, are adduced by the same author, in the article of Campbell

* Third edition, Vol. ii. p. 431. The whole of Doctor Campbell's papers were, after his death, given by his widow to the author, among which are several that were collected for a new edition of the work, that he did not live to publish; but unfortunately are not now in such order as to afford a chance of any further assistance being derived from them. Respecting this point, Mr. Lang, in his History of Scotland, also relies on the Bishop's authority, confirmed, as he says, by Baillie, Vol. ii. p. 431. and by Cunningham, in his History of Britain, Vol. i. p. 13. It has, therefore, been thought right to insert Doctor Campbell's reasons, in support of his assertion, in the Appendix, as his Lives of the Admirals and the Biographia may not be in the hand of every reader. Lord Dartmouth, in his MS. on Burnet, page 199, line 8, says, "the Bishop "delights in throwing dirt on the Duke of Albemarle."

(Archibald) Marquis of Argyle, in the Biographia Britannica, to prove the falsehood of the charge.

Woodrow, an historian zealously attached to the Presbyterian cause, who lived soon after the event, and was remarkably industrious in searching records, and collecting anecdotes, especially such as affected leaders in that party, is entirely silent on the point. The reliance, however, placed by Mr. Fox on this anecdote appeared to call for a further attentive investigation, in order to ascertain the truth or falsehood of it. Without resting, therefore, on the industry which had been applied formerly, a diligent search was first made amongst the records of the Parliament, the Council, and the Justiciary in Scotland, to discover whether any trace of the fact alleged could be met with in the proceedings on the trial of the Marquis: but a chasm in those periods rendered that search ineffectual. Recourse was next had to a collection of all the publications during the civil war, and some years after the Restoration, supposed to be complete*; several of them written after the death of the Marquis, and some by persons devoted to his memory; giving accounts of what was most interesting respecting him, and of what passed at his trial, and to his latest moments: in no one of which is there the

* In the possession of the author.

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remotest allusion to papers of any sort having been read, previously to passing sentence on him, in aggravation of his offence.

No better success attended a most diligent search in a collection of the books and pamphlets, printed in the reigns of King Charles the First and Second, presented by His Majesty to the British Museum, in which there are no less than seven different tracts respecting the trial and execution of the Marquis, published in London and Edinburgh in 1661; one intituled the last proceedings against him, "containing, *inter alia*, a "speech of his, in which he expressly denies having "had any epistolary intercourse with Cromwell, or "any of that sectarious army *."

The inquiry, however, did not end there. Thurloe's State Papers having been referred to in the Biographia Britannica on the subject, an examination was made through that voluminous collection, whether there had been any communication between the Marquis of Argyle and Monk; but nothing of the sort could be found: on the contrary, there is, besides the passages referred to in the Biographia, the heads of a discourse between the exiled King and Don John of Austria †,

* The last Proceedings against the Marquis of Argyll, &c. London, 1661, 4to.

† Thurloe's State Papers, Vol. v. p. 604.

on the state of Scotland in the end of 1656, which afford strong presumptive evidence that no confidential letters, especially of such high importance to the writer as those alluded to, were written by the Marquis.

Skinner, chaplain to Monk, in his Life of the General, who would not have ventured to make a false assertion, at a time when the means of contradicting it were in the hands of every one, in giving an account of the trial of the regicides, says, "In the number of "the commissioners, the Duke of Albemarle was one; "wherein he gave the world one of the greatest "instances of his moderation: for, though he knew "more of the guilt and practices of these criminals "than most of those who sat on the bench, and some "of them had been his greatest and most inveterate "enemies, yet he aggravated nothing against them; "but left them to a fair trial, and the methods of "their own defence; when he could have offered "matter against some of them that would have pressed "them harder: and, by a generous way of forgiving "injuries, he had a little before saved the life of Sir "Arthur Haselrigge, and afterwards procured his "estate also, by owning a promise made to him, when "there was no man among them all who had more "maliciously exposed or traduced him."

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In order, however, to leave no source of information untried, recourse was had, last of all, to the newspapers of the time *, in which particular accounts of the proceedings on the trial of the Marquis at Edinburgh were given from day to day; but not a syllable of the pretended communication made by Monk is to be found in them. It is hardly possible to conceive that stronger evidence could be found in any case to establish a negative, than is here produced to prove the falsehood of the Bishop's charge. We must therefore believe, that if Mr. Fox had informed himself fully on the subject, he would have been induced to forbear the positive condemnation of Monk, and the consequent severe censure upon him.

Alleged perfection of the British Constitution in 1679.

Mr. Fox next remarks again on the perfection of our constitution in this reign, "as the æra of good laws "and bad government;" and, on the authority of a modern writer of great eminence, fixes the year 1679 "as the period at which our constitution had arrived "at its greatest theoretical perfection:" and, following his author, he produces, as instances in support of the opinion quoted, "the abolition of the Court of "Wards; the repeal of the writ de Heretico Com-"burendo; the Triennial Parliament Bill; the esta-"blishment of the right of the House of Commons in

* In the possession of the author.

"regard to impeachment; the expiration of the "Licence Act; and, above all, the glorious statute of "Habeas Corpus *."

Mr. Justice Blackstone's authority on the subject.

Of Mr. Justice Blackstone's authority I entertain an opinion very widely different from the one expressed of the Bishop lately alluded to. His eminent character for the strictest probity and great learning well entitles it to the utmost respect. Advantage has indeed been taken of his learning, in the course of these observations; but allowing for all the deference due to him, even his high authority should not prevent any dictum of his † from being examined and canvassed. His Commentaries are an inestimable treasure to all who wish to be informed on our laws and our constitution: and it is not very wonderful if, in a work which embraces so great a variety of matter, something should have escaped even his accurate mind. Let us examine the instances adduced by the learned judge, and adopted by Mr. Fox, in the reign of Charles the Second.

* Mr. Fox's Historical Work, p. 21.

† Lord Coke, one of the very highest legal and constitutional authorities, has lately been found to be inaccurate in two points; one of a considerable degree of curiosity relative to the early history of Parliament; which are taken notice of in the author's report on the records before referred to. Report on Public Records, 1800, p. 44 to 46.

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Abolition of the Court of Wards.

The act * which abolished the Court of Wards, in depriving the King of his right of granting wardships and marriages, certainly afforded very great relief to the wealthier and higher orders in the community, on whom that last remnant of the feudal law pressed inconveniently. The statute alluded to took away the tenure by Knights service, and converted it into free and common socage. The system thus nearly put an end to was as old as the Saxon law: wardships were regulated by Magna Charta, 9th Henry III., and subsequent statutes; but the Court of Wards was not erected till the reign of Henry the Eighth †. The King, in virtue of this tenure, had the wardship of all infant heirs male, with the benefit of their estates, till they arrived at the age of twenty-one years; and of female heirs, till they were sixteen years of age, if they so long remained unmarried; and the power of marrying both the one and the other to whom he pleased, or of granting the same to any favourite; together with a year or half-a-year's rent, on their coming of age, for their relief. In addition to which, the wards were at considerable trouble and expence in sueing out their livery. The composition for the Court of Wards was estimated at L. 100,000 a-year ‡. The right of the

* 12 Charles II. chap. 24. † 32 Henry VIII. chap. 6.

‡ Journals of the House of Commons, Vol. viii. p. 150.

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Crown, which had been found so oppressive to the great land-holders, was however not got rid of without a valuable consideration, by the grant of a perpetual excise, which was made by the same act that abolished the Court of Wards; a mode of collecting a revenue then first established, except during the usurpation: and the commutation of this hereditary charge was so far from being generally approved of, that the question in favour of it was carried by the friends of the Government by a majority of only two *.

Writ de Heretico Comburendo.

The writ de Heretico Comburendo had been a dead letter for more than a century, and there was not the remotest chance of its ever being revived.

Bill for Triennial Parliaments.

The Triennial Parliament Bill, as it is called by the learned Judge and the Historian, was a most extraordinary measure for exultation. Previous to the reign of Charles the First, two laws were in force on the subject †, under which it was required that a Parliament should be holden every year; but there was no compulsory clause in either: in consequence whereof they were found to be ineffectual, so early as in the reign in which they were enacted; but the law continued in the same state from the time of these enactments to the year 1640. The long intervals which had occurred in

* 151 to 149. Journals of the House of Commons, Vol. viii. p. 188.

† 4 Edward III. chap. 14, and 36 Edward III. chap. 10.

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the reigns of James the First and his son, especially the last, of thirteen years, induced the Long Parliament soon after their meeting to pass an act *, reciting that by the laws in force a Parliament ought to be holden once every year, the departure from which had produced great inconvenience; and then enacting most effectual provisions, that could not be defeated or evaded by the Crown, or its ministers, to ensure the meeting of a Parliament, and the continuance of its sitting, once in three years at the least; which law was repealed (by the one in force in 1679 †) in the fourth year after the Restoration, "as derogatory to the King's "rights:" the latter simply enacting that the sitting of Parliament shall not be intermitted or discontinued above three years; without one compulsory clause in it to give it force or effect; whereby opportunities were afforded for the easy violation of it in this reign and the next. The country could not, therefore, justly be stated to be in an improved situation in the year 1679, respecting the frequent or regular meetings of Parliament; as the imperfect act, commended by Mr. Justice Blackstone and Mr. Fox, repealed the effectual one which had been passed in the former reign; and left the uncertainty of the regular assembling of Parliament in the state in which it was under the acts of Edward the Third. Mr. Fox indeed, in the beginning

* 16 Charles I. chap. 1. † 16 Charles II. chap. 1.

of his account of the next reign, observes on Charles's disuse of Parliaments, in defiance of the statute of the sixteenth year of his reign; which should have brought to his view the insufficiency of that statute, and the efficacy of the one repealed by it. After the Revolution, an act * was passed to prevent the discontinuance of Parliaments for more than three years; which term was extended, in the reign of George the First, to seven years †.

Rights of the House of Commons respecting impeachments.

What is meant by "the establishment of the right of "the House of Commons in regard to impeachment," it is not easy to understand. That right, it is conceived, had never been disputed ‡; and the exercise of it had been frequent: but the Crown claimed and used the right § of pardoning offenders so proceeded against, which necessarily took away much of its

* 6 William and Mary, chap. 2. † 1 George I. stat. 2. chap. 38.

‡ The attempt of the House of Commons to protect Fitz-harris (who was afterwards hanged under a sentence of the Court of King's Bench) from proceedings against him in that Court, by an impeachment which they made the Secretary of State carry up to the Lords, had not then been made.

§ In this year, 1679, the King pardoned the Earl of Danby, to prevent his being tried on an impeachment, to which the Commons certainly objected with great violence; but the King persisted successfully: for, although the Earl was long imprisoned, he was not brought to a trial. There is, in Barillon's Correspondence, much curious information respecting the intrigues of Sunderland with the French Court for the measures against the Treasurer.

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effect; and it was not till after the Revolution, that the King was deprived of that right by an express law *.

Licensing Act.

The next instance produced, to prove the reign of Charles the Second to be the æra of good laws, appears to be the most extraordinary of the whole, "the expiration of the act for licensing books," &c. This act was unquestionably a great restraint on the freedom of the press; but it was merely a temporary law †, enacted for the first time in this reign, in 1662, for two years; and was continued, in 1665, only to the end of the first session of the next Parliament ‡.

Habeas Corpus Act.

On the Habeas Corpus Act, the great palladium of the liberty of the subject, too much praise cannot be bestowed; but even that had not its origin in this reign: the foundation was laid in the preceding one §. The act passed in 1679 greatly extended the remedy, and made it effectual; of which the second Parliament, dissolved in May in this year, had the merit.

* 12 and 13 William III. chap. 2. sect. 3.

† 13 and 14 Charles II. chap. 33. 16 and 17 Charles II. chap. 7. and 17 Charles II. chap. 4.

‡ It was revived as a temporary law in the reign of James the Second.

§ By the 16 Charles I. chap. 10. sect. 8. which provided a Habeas Corpus, in all cases of commitments by the King or Privy Council.

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Mr. Fox's reflections on the alleged perfection of the laws in Charles II.'s time, and on the mal-administration of them.

Having assumed, with Mr. Justice Blackstone, this "greatest theoretical perfection," and referred to the Judge's note upon the passage alluded to, "that the "times immediately following were times of great "practical oppression;" Mr. Fox adds, "What a field "for meditation does this short observation from such "a man furnish! What reflection does it not suggest "to a thinking mind, upon the inefficacy of human "laws, and the imperfection of human constitutions! "We are called from the contemplation of the progress "of our constitution; and our attention fixed with the "most minute accuracy to a particular point, when it "is said to have risen to its utmost perfection. Here "we are then at the best moment of the best constitu-"tion that ever human wisdom framed."

Is this the deliberate judgment of any reflecting mind now? It was certainly not the opinion of the House of Commons immediately afterwards. They were then aware of the imperfections in our constitution, from the absence of means to secure the holding of a Parliament; and from the manifest defect in the administration of the wholesome laws which had been enacted, owing to the tenure of the commissions of the Judges, on whom the administration of justice depended, being only during pleasure: for in the next year to the one selected, in which the constitution is stated to have arrived at its greatest theoretical perfection, a bill was

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brought into that House to secure the more frequent meeting of Parliaments; the appointment of the Judges for life; and to prevent undue exactions of money from the subject*: the progress of which bill was stopped by a prorogation.

Removals of Judges without just cause.

Instances are not wanting in this reign and the next, of the removal of Judges, to answer the purposes of the Court. Jeffries was appointed Chief Justice of the King's Bench, that he might preside at the trial of Sydney; Pemberton, who presided at the trial of Lord Russell, was himself afterwards removed, for not doing all that was expected from him: and some of those who were appointed by James, for the attainment of his objects, were themselves dismissed by him, for not being sufficiently subservient to his views.

Sir John Reresby, who, though disapproving of the violent measures of James, adhered to him to the last, was aware of this reprehensible conduct in the dismission of the Judges without cause, and observes, "Accordingly "this day, being the first day of Term, a great change "was made among the Judges in Westminster Hall. "There was a new Chief Justice of the Common

* Journals of the House of Commons, Vol. ix. p. 682, 683. And an address was in the mean time presented to the King, "entreating that "men of ability and integrity might be appointed Judges, to hold their "commissions *quamdiu se bene gesserint.*"

"Pleas, and another new Judge of the same bench; "there was a new Chief Baron: in fine, four new "Judges of the several courts *. This made a con- "siderable noise, as the gentlemen now displaced "were of great learning and loyalty; and whose only "crime had been, they would not give their opinion, "as several of their brethren had done, that the King, "by his prerogative, might dispense with the test "required of Roman Catholics."

And in Macpherson's Collection, there is a letter from Mr. Price (afterwards a Baron of the Exchequer) to the Duke of Beaufort, of the 30th of June, the day after the trial of the Bishops, in which he says, "I doubt this day's work will give Justice Powell a "removal, and it is thought Holloway also; there "being candidates enough for the vacancies †."

* The Judges at this time removed, on the question of the King's dispensing power, were Jones and Montague, chiefs; and Charlton and Neville, puisnes; who were succeeded by Bedingfield, Atkyns, Lutwich, and Heath. There seems, in early times, to have been something strange in the wording of the patents of the Judges. On a search in the Rolls, lately made, it appears that, during the reigns of Elizabeth and James the First, the commissions of the Chief Justice of the King's Bench were general, without any specification of the tenure; that the puisne Judges of that Court, and all the Judges of the Common Pleas, were *quamdiu nobis placuerit*; and the Chief and other Barons of the Exchequer were *quamdiu se bene gesserint*; and so they continued till the appointment of Sir Humphrey Davenport, 6th Charles, which was *quamdiu nobis placuerit*; and the patents of the other Barons were afterwards conformable thereto.

† Macpherson's Original Papers, Vol. i. p. 266.

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Long Intervals of Parliaments.

The time of oppression and misery, which followed the æra selected by our author, is imputed by him to "a corrupt and wicked administration, which all the "so much admired checks of the constitution were "not able to prevent." May we not, however, ask if there is not a reasonable presumption, that if an effectual provision had been made to guard against long intervals of Parliaments, and to secure the independence of the Judges, that the illegal and oppressive measures, justly exclaimed against, would either have been avoided or punished? The question is in truth answered by experience, referred to by Mr. Fox himself; for in another part of his work, where he compares the culpable proceedings of Lord Godolphin and Lord Churchill, in the reign of James the Second, with their meritorious conduct in the reign of Queen Anne, he asks, "Is the difference to be attributed to "any superiority of genius in the Prince whom they "served in the latter period of their lives? Queen "Anne's capacity appears to have been inferior even "to her father's. Did they enjoy in a greater degree "her favour and confidence? The very reverse is the "fact. But in one case, they were the tools of a "King, plotting against his people; in the other, "ministers of a free government, acting upon enlarged "principles, and with energies which no state that "is not in some degree republican can supply *."

*, Mr. Fox's Historical Work, p. 88.

It must be admitted, that since the Judges have held their offices during good behaviour *, no such oppression and misery as complained of have happened.

Importance of the independence of the Judges.

The best constituted government that ever was framed (if there is a better than our own) must be subject to the fatality of not deriving the full advantage of good and wholesome laws, if those who are to execute them are remiss, corrupt, or negligent. But there can be no better security for a due and vigorous execution of the law, without which it must be a dead letter, than the perfect independence of the Judges: and it may be confidently asserted, that there is not on earth a country where that object is more completely and effectually attained than in this; or where the administration of justice is more pure.

This single article, the independence of the Judges, is perhaps of greater importance, in a government like

* By the 12th and 13th of William III. chap. 2. sect. 3. the Judges were established in their offices *quamdiu se bene gesserint*; they were, however, held to be removeable on the demise of the Crown: and it was not till the present reign that they were made irremoveable, except by address of both Houses; which was at the recommendation of His Majesty, in a speech from the Throne, soon after his accession; in which is the following sentence: "I look upon the independency and "uprightness of the Judges of the land as essential to the impartial "administration of justice; as one of the best securities to the rights "and liberties of my loving subjects, and as most conducive to the "honour of the Crown." Lords' Journals, Vol. xxx. p. 78.

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ours, than any other, to the preservation of the liberties of the country. Open stretches of arbitrary power in the Monarch himself, or exercises of authority beyond the known and established limits of the prerogative, are not hastily ventured on by the Sovereign, nor submitted to by the people; but prosecutions and convictions, under colour of law, aided by Judges dependent on the Crown, and devoted to its will, require less courage in the Sovereign, and create less alarm among his subjects. Liberty is assailed in one case by the sword, and in the other by poison; and the spirit of resistance, which might defend it from the first, is unavailing against the latter.

Improvement of the constitution and the laws at and after the Revolution.

Mr. Fox's disposition to think that the best laws cannot afford security to the people under a monarchical government, induced him to rely on the statement of Mr. Justice Blackstone, who had certainly no such view in making it. But it is not easy to account for the reign of King William not having been selected, rather than that of Charles the Second, as the æra of good laws; because three acts * were passed in that reign, of the highest importance to our rights and liberties; which also ensured to us, as far as

* 1 William and Mary, stat. 1. chap. 18. the Toleration Act; 1 William and Mary, sess. 2. chap. 2. the Bill of Rights; and 12 and 13 William III. chap. 2. the Act of Succession: these are probably the laws referred to by Mr. Justice Blackstone.

was then judged necessary, a succession of Protestant Princes. By the first, all Protestants dissenting from the Church of England are relieved from the penalties of certain laws; and by the two others, several powers, improperly assumed by the Crown, were cautiously guarded against in future; and some important rights of the subject, which had been denied with impunity, were completely secured.

But the improvement of the constitution after the Revolution was not confined to the enactment of new laws, as advantage was derived also from the repeal of provisions in three that were unfavourable to it, which were in force in 1679*. Mr. Justice Blackstone indeed, in another part of his excellent Commentaries, states expressly that great improvements have been made in our laws since the Revolution.

Had Mr. Fox accompanied that attentive examination, to which those respective periods are entitled, with the impartiality which it is the essence of historical discussion to preserve, he would probably have found, from the instances which have been briefly

* The oaths in the act for regulating corporations, 13 Charles II. stat. 2. chap. 1. and in the 13th and 14th of Charles II. chap. 3 and 4; the foundation for which was laid in the first of those sham plots that were a disgrace to the country in that period. These were repealed by 1 William and Mary, chap. 8. and 5 George I. chap. 6.

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noticed, much reason to entertain a doubt in those leading positions which he has laid down in this part of his work; that the æra in question was one of the greatest perfection in laws, and of the most flagrant abuses in Government;—and that, in a monarchy, the force of the legislative provisions against despotism is easily overpowered by the ambition of the Monarch, and the subserviency of his ministers.

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CONTENTS.

Treaty of 1670, for the Subjugation of Holland to France, and for other French Objects, Charles becoming a Convert to the Catholic Religion; and securing a Stipend from Lewis XIV. to Charles II.—Money Transactions of the latter with the Court of France.—Corruption of Charles's Ministers.—Intrigues of the French Ambassador with the popular Party in England.—Stipulations made by Lewis XIV. with Charles, for the pecuniary Assistance he afforded him.

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SECTION II.

Charles II.'s treachery to his ministers.

THE historical part of Mr. Fox's work, though classed with the prefatory reflections, under the title of Introduction, begins at the Restoration; and, with a few remarks on the administration of the Lords Southampton and Clarendon, Mr. Fox passes on to the year 1670, and then, after describing the ministry known by the name of the Cabal, as having consisted of characters so unprincipled, as justly to deserve the severity with which they have been treated by all writers who have mentioned them, he adds, "but if it "is probable that they were ready to betray their "King, as well as their country, it is certain that the "King betrayed them; keeping from them the real "state of his connection with France; and from some "of them at least, the secret of what he was pleased to

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"call his religion *." Mr. Fox does not however decide, "whether this concealment, on the King's "part, arose from his habitual treachery, and from the "incapacity w^l ch men of that character feel of being "open and honest, even when they know it is their "interest to be so; or from an apprehension that they "might demand for themselves some share of the "French money, which he was unwilling to give "them †."

For that treachery, however, on the part of the King, no authority is quoted; nor is there any probability of the charge being well founded: for although it is stipulated by the 11th article, that the treaty should be kept secret till a fit time should occur for carrying it into execution, there is no reason for presuming that it was concealed from Charles's confidential servants. Dalrymple asserts only, that the treaty was unknown to the Protestant ‡ ministers; and even that

* Mr. Fox's Historical Work, p. 24.

† This last is an extraordinary alternative, because it is evident from a variety of letters from Barillon to Lewis, in Dalrymple, one of which is amongst those printed by Mr. Fox, (page xxix of his Appendix,) that Charles's ministers were fully apprised of his money transactions with Lewis.

‡ Dalrymple, Vol. ii. part 1. page 57 and 77. In Macpherson's Original State Papers, Vol. i. page 48. it is stated that the persons consulted in the private treaty with Lewis were Lord Arundel, Lord Bellafis, Lord Arlington, and Sir Thomas Clifford. See also other circumstances respecting it, pages 50, 52, 54, and 124, in Macpherson's first volume.

is not correct, because one of the English commissioners who were appointed to negotiate it, and who actually signed it, was Lord Arlington, at that time professing the Protestant religion, though he is represented to have been a concealed Catholic, and to have declared that faith publicly on his death-bed *. To one of his ministers, therefore, the whole of this treaty was perfectly well known; and that the same confidence was not placed in the Duke of Buckingham does not appear to be attributable to either of the causes suggested by Mr. Fox. To the Duchess of Orleans †, his timidity was assigned as a reason; and to Lewis the Fourteenth ‡, the impossibility of his keeping a secret; which could have reference only to the article respecting Charles's religion. This is the more certain, as Buckingham's eagerness to enter into all the King's other views, in treating with France, is manifest by three letters under his own hand §, shewing his blind devotion and base servility to Lewis; written on the occasion of the Traité simulé, which was executed by Charles in the following year, with the knowledge of the Protestant ministers; differing from the other in nothing essential except the provision about Charles's Catholicism.

* Dalrymple, Vol. ii. part 1. page 30.
† The same part, page 27.
‡ Colbert's Letter, 25th August, 1670.
§ Same part, page 69 to 75.

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Secret treaty with Lewis in 1669 and 1670.

This secret treaty, which is an object of high importance, both as connected with the transactions going on at the time, and as an historical curiosity, is not in the depôt; nor does it appear to have been seen by any one who has written on the subject; certainly not by any historian in this country; nor are its whole contents, it is believed, any where stated, although the project for it was found at Paris by Dalrymple, and is printed at length by him *, with a letter from Colbert, then ambassador in England, to Lewis the Fourteenth, entering into points respecting it †. There is also a letter from Lewis to Charles, in which he tells him he has ratified it ‡. One of the originals is, however, in the possession of Lord Clifford of Chudleigh, which was shewn to the author when he was at Ugbrook, in the year 1781, by the father of the present Lord Clifford. Of which instrument the author having had the good fortune to obtain a very correct abstract, from the present Lord Clifford, made by his Lordship, it is here inserted, that the substance of the whole may be before the public. The second article is copied at length *verbatim*, to shew the terms and conditions on which Charles agreed to embrace the Catholic religion;—which referred only to his own profession of it.

* Dalrymple, Vol. ii. page 44. † Ibidem, page 31.
‡ Ibidem, page 57.

General Abstract of the Treaty made at Dover, 22d May, 1670.

Charles and Lewis, being mutually desirous of contributing to the happiness of their subjects, are assured by their own experience that the most effectual means of procuring it is by a close union and alliance between them; and to secure the safety of their kingdoms, and the advantages of their subjects, by a treaty of commerce to be hereafter concluded; have named Lords Arlington, Arundell of Wardour, Sir T. Clifford and Bellings, and the Sieur Charles Colbert, as commissioners to carry into effect the following articles:

1.—A perpetual alliance and friendship is agreed on for ever between the two Kings.

2.—Respecting King Charles becoming a Catholic, in the following words: "Le Seigneur Roi de la "Grande Bretagne est convaincu de la verité de la "religion Catholique, et resolu d'en faire sa declara- "tion et de se reconcilier avec l'eglise Romaine, "aussitot que le bien des affaires de son royaume lui "pourra permettre, a tout sujet d'esperer et de se "promettre de l'affection et de la fidelité de ses sujets "qu'aucun d'eux mesme de ceux, sur qui Dieu n'aura "pas encore asses abondamment repandu ses graces "pour les disposer, par cet example si auguste a se "convertir, ne manqueront jamais a l'obeissance in-

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" violable que tous les peuples doivent a leurs Souve-
" rains, mesme de religion contraire; neantmoins
" comme il se trouve quelquefois des esprits brouillons
" et inquiets, qui s'efforcent de troubler la tranquillité
" publique, principallement lorsqu'ils peuvent couvrir
" leurs mauvais desseins du pretexte plausible de
" religion: sa Majesté de la Grande Bretagne qui n'a
" rien plus a cœur (apres le repos de sa conscience)
" que d'affermir celui que la douceur de son gouverne-
" ment a procuré a ses sujets, a cru que le meilleur
" moien d'empecher qu'il ne fust alteré, seroit d'etre
" assuré en cas de besoin de l'assistance de sa Majesté
" tres Chrestienne: la quelle, voulant en cette occasion
" donner au Seigneur Roi de la Grande Bretagne des
" preuves indubitables de la sincerité de son amitie,
" et contribuer au bon succes d'un dessein si glorieux,
" si util a sa Majesté de la Grande Bretagne, mesme
" a toute la religion Catholique, a promis et promet
" de donner pour cet effet au dit Seigneur Roi de la
" Grande Bretagne, la somme de deux millions de
" livres Tournoises; dont la moitié sera payée trois
" mois apres l'eschange des ratifications du present
" traitté, en espece, a l'ordre du dit Seigneur Roi de la
" Grande Bretagne, a Calais, Dieppe, ou bien au
" Hauvre de Grace; ou remis par lettres de change a
" Londres aux risques, perils, et frais, du dit Seigneur
" Roi tres Chrestien; et l'autre moitié de la mesme
" maniere dans trois mois apres: et en outre, le dit
" Seigneur Roi tres Chrestien, s'oblige d'assister de

" troupes sa Majesté de la Grande Bretagne, jusques " au nombre de six mille hommes de pied, s'il est " besoin, et mesme de les lever et entretenir a ses " propres frais et despens, tant que le dit Seigneur Roi " de la Grande Bretagne jugera en avoir besoin pour " l'execution de son dessein. Et les dites troupes, " seront transportées par les vaisseaux du Roi de la " Grande Bretagne, en tels lieux et ports qu'il jugera " le plus a propos pour le bien de son service; et du " jour de l'eur embarquement seront payées, ainsi qu'il " est dit, par sa Majesté tres Chrestienne, et obeiront " aux ordres du dit Seigneur Roi de la Grande Bre- " tagne. Et le temps de la dite declaration de " Catolicité, est entierement remis au choix du dit " Seigneur Roi de la Grande Bretagne *."

3.—Provides that the King of France shall not break the peace he has made with Spain, nor infringe

* " The King of Great Britain is convinced of the truth of the Catholic " religion; and resolved to make his declaration of it, and to reconcile " himself with the Church of Rome, as soon as the affairs of his kingdom " shall be sufficiently established to permit him. He has every reason " to hope, and to be persuaded from the affections, and from the fidelity " of his subjects, that none of them, even of those on whom God shall " not have yet so abundantly shed his grace as to dispose them, by this " august example, to be converted, will never fail in the inviolable " obedience due from all people to their Sovereigns, even of a different " religion. Nevertheless, as there appear sometimes turbulent and restless " spirits, who endeavour to disturb the public tranquillity, chiefly when they " can conceal their evil designs under the plausible pretence of religion; " his Britannic Majesty, who has nothing more at heart (after the repose " of his conscience) than to establish that, which the mildness of his

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in any manner on the promises he made by the treaty of Aix la Chapelle; and that the King of Great Britain shall keep the said treaty in conformity to the conditions of the triple alliance.

4.—That if in future the King of France shall have any fresh pretensions to the Crown of Spain, the King of England shall support him with all his forces by sea and land; and not make any treaty with any other

" government has procured to his subjects, believes that the best means " of preventing it from being disturbed is to be assured, in case of its " being required, of the assistance of his Most Christian Majesty; who " being willing on this occasion to give to the King of Great Britain in- " disputable proofs of the sincerity of his friendship, and to contribute to " the full success of a design so glorious, so useful to his Majesty, and " even to the whole Catholic religion; has promised, and promises, to " give for this purpose to the said King of Great Britain the sum of two " millions of livres Tournois; of which half shall be paid three months " after the exchange of the ratifications of the present treaty, in specie, " to the order of the said King of Great Britain, at Calais, Dieppe, or at " Havre de Grace, or remitted by bills of exchange to London, at the " peril and risk of the said Most Christian King; and the other half in the " same manner, three months after. And farther, the said Most " Christian King binds himself to assist his Britannic Majesty with troops, " to the number of six thousand infantry, if necessary; and even to raise " and maintain them, at his own cost and expence, as long as the said " King of Great Britain shall judge them to be necessary to him for the " execution of his design. And the said troops shall be transported by the " ships of the King of Great Britain, to such places and ports as he shall " judge most fit for the good of his service; and from the day of their " embarkation shall be paid, as before said, by his Most Christian " Majesty, and shall obey the orders of the said King of Great Britain. " The time of the said declaration of Catholicism is entirely referred to " the choice of the said King of Great Britain."

power, relating to the above-mentioned rights or pretension, without their mutual consent.

5.—Both Kings, having reasons sufficient to justify the resolution they have taken to lower the pride of the States General, who have shewn so much ingratitude to the founders of their republic, and who have the audacity to erect themselves into sovereign arbiters and judges of all other potentates, agree to make war against them with all their forces by sea and land; and one party shall not make peace without the consent of the other.

6.—The King of France to provide for the whole expence of the army, and attack the States by land; the King of England to supply 6000 infantry at his charge, and land them where the King of France shall think proper.

7.—The King of Great Britain to carry on the war by sea with at least 50 ships of war, and 10 fire ships; the King of France to add 30 ships, the least of 40 guns, and 10 fire ships, at the expence of the King of France, under the command of the Duke of York; his Christian Majesty also to give Charles 3,000,000 of livres, to enable him the better to support the expence of the war, the first payment L.750,000 to be made three months before the declaration of war. The King of Great Britain, in case of success, to have

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the island of Walkeren, L'Ecluse, and L'Isle de Cassante; and the Prince of Orange to be provided for by separate articles *.

8.—Before the two Kings shall declare war, they shall endeavour to persuade the Kings of Sweden and Denmark, or either of them, to join in the war, or oblige them to remain neuter; also to endeavour to procure the co-operation of the Electors of Cologne, Brandenbourg, the House of Brunswick, the Duke of Newbourg, and the Bishop of Munster; and to persuade the Emperor and King of Spain not to oppose the conquest of Holland.

9.—As soon as the King of Great Britain shall have declared himself a Catholic, the King of France shall be at liberty to declare war against Holland, in which the King of Great Britain shall concur; the King of France having regard to the particular circumstances and interests of the two Crowns, which on the conclusion of the treaty shall be inseparable.

10.—If any articles in any treaty, made by the Kings of France and England with any other powers, are contrary to the articles contained in the present treaty, they shall be null and void.

* « Les dits Seigneurs Rois feront leur possible a ce que le dit Prince « trouve ces avantages dans la continuation et fin de cette guerre bien « qu'il sera c'y aprés stipulé dans des articles a part."

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11.—That the treaty of commerce now pending shall be concluded as soon as possible between France and England. The ratification of the treaty to be signed by the two Kings, and sealed with their private seals, as soon as possible.—This article contains the following proviso: "Et d'autant qu'il est absolument "necessaire pour le bon succés de ce qui est stipulé "par le present traité de le tenir fort secret, jusques a "ce qu'il soit temps de le mettre a execution," &c.

Signed,

ARLINGTON, COLBERT.
T. ARUNDELL,
T. CLIFFORD *,
R. BELLINGS.

Then follow copies of the ratifications of the two Kings. That of Lewis is attested by Colbert under his hand and seal.

This reference to the treaty establishes beyond all controversy, that Mr. Fox's charge † against the King and his ministers, of mutual treachery towards each other, is not founded.

Popish plot.

On the subject of the Popish plot there can now hardly be two opinions in the country; although the

* Clifford, a man of high character, (an avowed Roman Catholic,) was at this time one of the commissioners of the treasury, much in the King's confidence, and in the same year received the Treasurer's staff, which he resigned, on conscientious motives, on the passing of the Test Act.

† Mr. Fox's Historical Work, p. 24.

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believers in it, when the trials took place, and long afterwards, were both numerous and respectable. Reflecting on the fatal effects of the public credulity in this instance, what a lesson does it afford to guard our minds against giving too ready a belief to stories, likely to have currency from popular prejudices!

Bill of Exclusion.

Concurring with Mr. Fox in the expediency of the Bill of Exclusion, it is not necessary to enter into his reasoning upon it; in a great part of which it would be difficult to agree with him.

The events which took place in the next reign afforded a strong justification for the conduct of the promoters of that measure, whatever the motives of some of them might have been. And it was owing to the temperate wisdom and moderation of those who effected the stronger measure then resorted to, that it was accomplished with less loss of blood than in any other instance of a similar nature in the history of this country, perhaps of the world. One Dutch officer and a few privates were all who fell in the contest in 1688, if it can be called a contest.

Pecuniary transactions with France.

It is not intended to enter further on the measures of the two brothers than is necessary in following Mr. Fox's observations upon them: the most important of which are the pecuniary transactions with the Court of France; and the consequences of those. Strong suspicions on the subject were entertained, while the

intercourse was going on; and proof of a treaty in 1681 was produced by Mr. Hume; but there is evidence of negociations of the sort in Dalrymple, numerous and incontrovertible. The profligacy of Charles and of his successor was scandalous in the extreme; betraying the best interests of their country, and sacrificing their own honour for miserable stipends from a foreign power, at times when Parliament shewed the readiest disposition to furnish them with abundant supplies, as well for their own use as for public services.

Earl of Clarendon's early participation in those.

The eagerness of Charles to obtain money from France seems to have arisen from the excess of his private expences, and from a desire to have a fund at command for corrupt purposes occasionally at home. The practice began very soon after the Restoration, under the management of the Earl of Clarendon, whom Mr. Fox considers as quite innocent of it. When he formed that opinion, he could not have met with the reference in Sir John Dalrymple's book to the Clarendon papers (then about to be printed) to establish the fact; because those papers published some years ago, clearly prove that the Chancellor and his son were the active and sole agents in money transactions with the French minister here, at this early period; and that his Lordship was anxious no one else should be let into the secret. Mr. Fox's words are: "Clarendon is "said to have been privy to the King's receiving "money from Lewis the Fourteenth; but what proofs

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"exist of this charge (for a very heavy charge it is) "I know not *."

The proofs to which Mr. Fox might very easily have had access were Lord Clarendon's own papers, having the advantage of Sir John Dalrymple's reference to them. It will be seen in those †, that after previous communications had taken place, in the course of which Lord Clarendon refused a bill of L. 10,000 from Monsieur Bastide, he told that French minister, so early as April, 1661, "that Par-"liament is in the best possible disposition; but "having many things to settle with them, he wishes to "defer saying any thing immediately about money. "If that should be inconvenient, would the King "(Lewis) lend L. 50,000 for ten or twelve months, "when it should be punctually repaid ‡." Then follows some further correspondence, in the course of which Bastide tells Clarendon, "that notwithstanding "the pressure on the French finances, and the anti-"cipations of their revenue, Lewis will advance "1,800,000 or 2,000,000 of livres for two or three "years, (equal then to about L. 150,000,) and that he "would do more if he could §." In reply to which, Lord Clarendon assures Bastide of secrecy; and tells him that the King takes the assurance of 2,000,000

* Mr. Fox's Historical Work, p. 23.

† Clarendon's State Papers. Supplement to Vol. iii. p. 2.

‡ Ibid. p. 4. § Ibid. p. 12.

livres, towards the assistance of Portugal, as a suitable instance of kindness *. From which kingdom of Portugal his Majesty was then about to receive a large sum in ready money, as a portion with his Queen! There is indeed a letter from Lord Sandwich †, mentioning when the first instalment of that portion would be paid.

Liberal grants of Parliament to Charles.

It is evident that Charles was under no necessity, for any fair purpose, of degrading himself by the acceptance of these pecuniary aids from France, which is amply proved by the large grants cheerfully made to him, or intended for him, by Parliament; particularly at the period of the first treaty in 1669. He had not therefore the wretched plea of necessity, sometimes attempted to be set up as an extenuation in such cases, to lessen the odium that must be excited by the baseness of the person corrupted ‡.

That very large grants were made at that time in particular to the Crown, beyond any apparent necessity for the high amount of them, has been ascertained by a careful examination of the Journals of Parliament, from which extracts on the subject have been made §:

* Clarendon's State Papers, folio. Supplement to Vol. iii. p. 14.

† Ibid. p. 20.

‡ By Carte, in his "Answer to a Bye-Stander," who urges the insufficiency of the grants of Parliament.

§ Which the author extracted, with an intention of inserting in the Appendix; but has omitted it, under an impression that it would be very little interesting to readers in general.

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and the overflowing liberality of the Commons is strongly marked in a speech in the House of Lords, by Lord Lucas *, in the session when the secret treaty with Lewis was going on, in virtue whereof Charles was to receive large sums; the freedom of which speech, from a zealous royalist, could have been occasioned only by the excessive amount of the grants. His Lordship stated the amount of those depending at the time at L.3,000,000; a sum appearing to him so enormous as to induce him to say, "the Scripture tells "us that God Almighty sets bounds unto the ocean; "and says unto it, hither shall thy proud waves come, "and no further: and so I hope your Lordships, in "imitation of the Divinity, will set some bounds, "some limits, to this over-liberal humour of the "Commons; and say to them, hither shall your pro-"fuseness come, and no further." Which speech, having been afterwards printed †, was burnt by the hands of the hangman, for the freedom of the preceding passage; as there was nothing else in it to give offence.

Large remittances from Lewis to Charles, and to his ministers.

To what an extent this corrupt intercourse of the King and his ministers with France was carried, long

* He was created a Peer on the Restoration, for the sufferings of his family in their persons and fortunes in the Royal cause; his father having been shot, and his estate confiscated, for his adherence to it, after the execution of Charles the First.

† It was published in a volume of Tracts, in folio, in the possession of the author, printed in 1693, page 455.

antecedent to the date of the correspondence published by Mr. Fox, exclusively of Lord Clarendon's money negociations, and of the treaty of 1669, will be seen by the extracts from the correspondence that follows;— from which sort of intercourse with the Court of France, neither the ministers of the Crown, nor the popular party, were free, (though the latter was implicated in a much less degree,) as far as reliance may be had on the authority of the French resident here.

In the communications of Colbert to Lewis, it appears, from his letter of the 25th of August, 1670, that he had offered a pension of 10,000 crowns to Lord Arlington; whose answer was, that he could neither take nor refuse it now; but that, in case of necessity, he would ask the protection of Lewis *. On the 28th of the same month, he acquaints Monsieur de Lyonne, that Lord Arlington had proposed that the French Court should give a pension to Lady Shrewsbury, in order the better to fix the Duke of Buckingham †. On the 2d of October following, Colbert states that Buckingham had told him, the Spaniards had offered him L. 200,000, to bring Charles to their side; and adds, "Je crois qu'il n'en est rien; mais je crains que "l'appetit de ces nouveaux commissaires, ne soit

* Dalrymple, Vol. ii. part 1. page 81. † Ibid.

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" grand *." On the 16th of that month, and the 3d of November, he writes that he has given the presents to the commissioners of the first treaty; and that Charles had ordered them to receive them †. On the

* " I do not believe any thing of it; but I am afraid the appetite of " these new commissioners is great." Dalrymple, Vol. ii. part i. page 81.

† Ibid. There is an instance, as early as Henry the Eighth's time, of an English minister receiving bribes from foreign Princes. In Rymer's Fœdera, Vol. xiii. p. 525. will be found an obligation from the minister of the Duke of Milan (then prisoner in France) to Cardinal Wolsey, for 10,000 ducats a year: the first payment to be made when the Duke should be relieved from his French troubles, and should be fixed in his dominions; and on the Cardinal promising that there should be an inviolable and perpetual friendship between Henry the Eighth and the Duke. At which time the Cardinal was receiving a pension from Charles the Fifth, as King of Castile and Leon, of £.3000 Flemish; and as Emperor, of 2000 ducats a year, with a sum of 5000 ducats in hand; and from Francis the First, to whom the Duke of Milan was prisoner, a pension of 12,000 livres. The three last grants will be found in Rymer, Vol. xiii. pages 591, 713, and 610.

Dr. Fiddes, the Cardinal's Biographer, is of opinion he had the King's authority for accepting the Pension from the Duke of Milan, as the deed is deposited among other memorials of public transactions; but he did not consider that it was not so deposited in the reign of Henry the Eighth, nor for a very long time after. The other deeds are in the same repository: how or when Sir Robert Cotton acquired them does not appear. In another place the Doctor says, " It was computed indeed, that his " (the Cardinal's) revenues, with the numerous presents and pensions " that he received from abroad, annually exceeded the revenues of the " Crown; though as to the returns made to him from foreign Courts, it " has been mentioned to his honour, by those who cannot be suspected " of partiality to him, that he never engaged the King in any alliance but " what was for his honour and advantage." Fiddes, p. 107.

1st of January, 1671, he says further, that he had given Lady Shrewsbury 10,000 livres, who appears, in a subsequent letter, to have promised she would, on receiving her pension, make Buckingham comply with Charles in all things. On the 2d of April, 1671, Colbert asserts that he had given a present to Lauderdale; that he is soon to do the same to Buckingham and Ashley Cooper; and that King Charles knew it. On the 3d of December, he acquaints his Court that Lady Arlington had, in her husband's presence, offered to accept the present intended for her husband, adding, "Le mari n'a fait qu'un reproche tres obligeant*." In Colbert's letter to Lewis of the 11th of April, 1672, the following passage occurs: "Milord Arlington m'a "fait une visite exprés pour me faire connoitre "combien il est penetré des marques d'estime et "distinction que votre Majesté a donné par le

White, a papist, created Marquis of Abbeville by the Emperor, who was James's ambassador at the Hague, received at the same time pensions from the Prince of Orange and the French King; in consequence of which he betrayed James to the Prince of Orange, and the Prince of Orange to Lewis the Fourteenth. Macpherson's Original Papers, Vol. i. p. 468. In modern times, there is an instance related of an European Sovereign, who assigned the revenue of a royal domain for the use of the leading ministers at another Court, as they were appointed to that situation in succession. Zimmerman's Select Views, &c. of Frederick the Great, Vol. i. chap. 11.

* "The husband reproached her, but very obligingly." Dalrymple, Vol. ii. part 1. page 82.

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"magnifique present que votre Majesté a fait a "Madame Arlington *." Other instances occur, later in this reign, of large presents made to the ministers here, and to one of the King's mistresses †.

Remittance from Lewis to some of the popular party.

The intrigues of Barillon with the popular party, among whom he states he distributed considerable sums, began as early as 1677 ‡, on the occasion of Charles giving his niece in marriage to the Prince of Orange, which were then continued till towards the end of 1678 §. The sums given in the last-mentioned year are detailed in a letter of Barillon's, of the 22d December; in which he states the names of the parties, and the sums given to each ‖. Respecting which Barillon has a correspondence with his Court, implicating the Duke of Buckingham, Lord Shaftesbury, Lord Hollis, and Lord Russell; but the latter is always mentioned as acting on the highest principles of honour. The views of all those having been to throw difficulties in the way of Charles's projects by the aid of France.

* "My Lord Arlington made me a visit, on purpose to let me know "how much he is penetrated with the marks of esteem and distinction "which your Majesty has given, by the magnificent present which your "Majesty has made to Lady Arlington." Dalrymple, Vol. ii. part 1. page 82.

† Ibid. p. 318, 319.

‡ Ibid. p. 129.

§ Ibid. p. 129 to 141.

‖ Ibid. p. 314.

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In December 1679, December 1680, and 3d February 1681, Barillon tells Lewis he has resumed his correspondence with the persons in Parliament, who he thought might be useful to his Majesty's service thereafter; and then mentions those of the popular party with whom he is in habits of intercourse, and to whom he has given money; among whom are Lord Hollis, Mr. Beber, Mr. Harbord, Mr. Sidney, and Mr. Montague *.

Observations on these remittances.

In receiving pecuniary gratifications from France, the ministers could have been influenced only by the basest motives; making a sacrifice of the most sacred duties that could be imposed on them, in their responsible situations, for sordid objects. They could not set up the justification on the ground of which those who were opposed to the Court would probably defend themselves, in accepting money from a foreign Prince: that they applied it only to purposes decidedly for the interest of their country. Whether that is a maintainable one or not, is not in this place a subject for inquiry, but may hereafter be considered. The profligacy of the monarch, however, in becoming the pensioner of France, as it exceeded the others in infamy, so it did in its mischievous consequences; as will be evinced by proofs of his adherence to French

* Dalrymple, Vol. ii. part 1. pages 255, 280, 294. The transactions with Lord Sunderland and Montague would fill a small volume.

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interests, and by the conditions he entered into for French objects generally.

We shall reserve for separate consideration the advances made for enabling the King to govern without Parliaments, as relating equally to the reign of James the Second.

Servility of Charles to the views of Lewis XIV.

Colbert writes to Monsieur de Lyonne, 20th August, 1668: "Il me disoit qu'il se trouvoit quasi le seul dans "son royaume qui ait des inclinations pour la France; "que toutes ses sujets étoient beaucoup plus portés "pour l'Espagne, et qu'il avoit bien des mesures à "garder *."

Mischievous consequences thereof.

Barillon, on the 12th January, 1679, states that Charles had told him, "qu'il aimoit mieux dependre "de votre Majesté que de son peuple †." On the 16th of February, 1679, "that Charles told him his "reason for making Sunderland his minister was that "he had always found him attached to the interests of "France ‡." On the 6th of July, 1679, Barillon gives

* "He (King Charles) told me, that he found himself, as it were, "the only person in his kingdom who had inclinations for France; that "all his subjects were more in favour of Spain; and that he had there-"fore many measures to keep." Dalrymple, Vol. ii. part 1. page 56.

† "That he liked better to depend upon your Majesty than on his "people." Ibid. p. 210.

‡ Ibid. p. 210.

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Lewis a long account of a conference with Charles, which concludes, "Le fin de ce long discours fût, de "me presser de representér à votre Majesté ce qui se "passe ici, et de le conjurer, de sa part, de vouloir "mettre pour toute sa vie l'Angleterre dans sa de-"pendance *." And when the money treaty was depending, at the latter end of that year, the words used by Charles were, "Que votre Majesté pouvoit ce-"pendant demeurer dans l'état le plus glorieux, ou "aucun Roi ait été depuis plusieurs siecles, et mettre "pour toujours l'Angleterre hors de pouvoir de lui "nuire †." Barillon adding, "Ce Prince (Charles) "ensuite ma repeté tout ce qui'l m'a dit souvent, des "avantages que votre Majesté retirera d'avoir l'Angle-"terre dans sa dependance pour toujours ‡."

Engagements of Charles in consequence of the pecuniary aids from Lewis.

The terms imposed on Charles by Lewis, for the money he assisted him with, shew no great disinterestedness on the part of the latter. Courtin writes to

* "The end of this long discourse was to press me to represent to "your Majesty what was passing here, and to conjure you, on his part, "to incline to put England under your dependance for ever." Dalrymple, Vol. ii. part 1. page 230.

† "That your Majesty might remain in the most glorious state that "any King has been in for many ages; and put it out of the power of "England ever to hurt you." Ibid. p. 237.

‡ "This Prince (Charles) repeated afterwards all that he had so often "said to me, of the advantages which your Majesty might derive from "having England always dependant upon you." Ibid. p. 237.

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Lewis the Fourteenth, 21st September, 1676: " Il dit " qu'il (Charles) scavoit bien l'engagement dans lequel " il etoit de ne traiter avec les Etats Généraux, ni " avec aucun Prince sans votre participation et votre " consentement. Qu'il m'engagoit sa foy et son hon- " neur de me communiquer toutes les articles du " traité, et de ne jamais rien signer que votre Majesté " n'y consentit *."

In the treaty of 27th May, 1678, the conditions on which he was to receive 6,000,000 of livres were, that he should remain neuter, if the allies should refuse the terms of peace which France had offered at Nimeguen; that he should recall his troops from Flanders; and that he should disband his army †. " A condition " expresse qu'aussitôt après le deux mois expirés, à " compter de ce jourd'hui sa Majesté Britannique " rappellera toutes les troupes qu'elle a en Flandres, " à la reserve de 3000 hommes, destinés pour Ostende; " et à condition aussi que toutes les troupes que sa " Majesté Britannique a nouvellement levées, seront " licensées aussitôt après leur arrivée dans ses

* " He (Charles) said, that he knew very well the engagement he was " under not to treat with the States General, nor with any Prince, " without your participation and your consent. That he engaged his " faith and honour to communicate to me all the artic s of the treaty, " and never to sign any thing your Majesty shall not consent to." Dalrymple, Vol. ii. part 1. page 108.

† Ibid. p. 157. 159. 161.

" royaumes." Barillon concludes his letter of the 2d October, 1679, " Je connois par tout ce que m'a été " dit, que si on étoit d'accorde sur la somme, il n'y " auroit aucune difficulté sur la reste; c'est a dire " qu'on donneroit la carte blanche à votre Majesté sur " toutes les choses qu'elle pourroit desirer; et qu'on " prendroit ici touts sorts d'engagemens de ne faire " aucune traité avec les Princes etrangeres sans son " consentiment; on s'obligeroit même à entrer dans " toutes les interêts de votre Majesté, et de favoriser " toutes ses desseins *."

The principal stipulation in the treaty of the 1st of April, 1681, was that Charles, on condition of receiving a pension of 2,000,000 livres for one year, and of 500,000 crowns for two years more, should by degrees disengage himself from the Spanish alliance, and take measures to prevent Parliament from counteracting his engagements †. On the 17th of November, 1681, Barillon writes a long letter to Lewis, stating serious difficulties and dangers, which appeared to Charles

* " I know by all that has been said to me, that if the sum was agreed " upon, there would be no difficulty about the rest; that is to say, they " would give your Majesty a carte blanche upon every thing that you " could desire; and they would enter into all sorts of engagements, not " to make any treaties with foreign Princes without your consent; and " even oblige themselves to enter into all your interests, and to favour all " your designs." Dalrymple, Vol. ii. page 238.

† Ibid. p. 301. Appendix, part 1, p. 15.

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and his ministers to be insuperable, with respect to Lewis being allowed to possess himself of Luxemburg for 1,000,000 livres; which was offered to be added to the pension of the next year. But after much haggling, on the 1st of December, he writes, "Après "plusieurs conferences que j'ai eu avec le Roy d'Angle- "terre et milord Hyde, les propositions que j'ai faites "de la part de votre Majesté ont été acceptés *."

Connection with France odious to the people of England.

If any proof could be wanted, to establish how odious the French connection must have been to this country generally, we should find it in a letter from Monsieur Courtin, of the 28th January, 1677, in which he says to Lewis, "Je crois pouvoir repondre à "votre Majesté qu'il n'y a pas un des ses sujets qui "lui souhait un plus heureux succés dans touts ses "enterprises que ces deux Princes font. Mais il est "vrai aussi, qui vous ne pouves conter que sur ces "deux amis dans tout l'Angleterre †."

On all that Mr. Fox says of the arbitrary and oppressive measures during the remainder of this reign,

* "After many conferences which I have had with the King of "England and Lord Hyde, the proposals which I made from your Majesty "have been accepted." Dalrymple, Vol. ii. Appendix, part 1. page 21.

† "I can answer for it to your Majesty, that there are none of your "own subjects who wish you better success in all your undertakings than "these two Princes do; but it is also true, that you cannot count upon "any friends except these two in all England." Dalrymple, Vol. ii. page 116.

there appears to be so little ground for any difference of opinion, as to render it unnecessary to call the public attention to it.

If any thing can reconcile the mind to a retrospect of such debasing conduct in the Monarch of that time, it is the reflection on that difference of inclination, as well as power, which British Sovereigns, since the Revolution, have possessed, in conducting those great public measures, with which the executive in every government must necessarily be entrusted.

SECTION THE THIRD.

CONTENTS.

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Anxiety of James for the establishment of the Catholic religion.

THE concurrence of sentiment, expressed at the conclusion of the last section, unfortunately does not continue in the reign of James the Second. Mr. Fox seems confident that "a connection with France was, "as well in point of time as in importance, the first "object of this reign." So far there is no ground of difference: but it will be shewn, that the position laid down by him, "that the immediate specific motive to "that connection was the same as that of his brother, "the desire of rendering himself independent of Par- "liament, and absolute, not that of establishing "Popery in England, which was considered as a more "remote contingency *," is contrary to the clearest evidence before us.

* Mr. Fox's Historical Work, p. 102.

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Charles had, in the end of his reign, certainly gone on without a Parliament for nearly four years; and (under engagements with Lewis) manifested no disposition to call one, as will be shewn hereafter: but it is evident, from the supplies wanted on the accession of his brother, very greatly exceeding the largest annuity allowed from France, that if he had lived but a few months longer, he must have assembled a Parliament. It will be seen indeed, in his money negociations with Lewis, that so far from precluding himself from ever assembling a Parliament, he frequently alluded to the probable necessity of resorting to one, notwithstanding the aids from France. It seems, therefore, more likely to have been the intention of James to make Parliaments subservient to him, than to attempt to govern without them. That he was eager for power, cannot be doubted; but it is proved by his subsequent conduct, that, in the exercise of that power, the wish nearest his heart was the establishment of the Catholic religion in this country. For the attainment of that point, always prevalent in his mind, it is clear that he risked his crown, and lost it.

Comparative indifference of Charles in that respect.

We see Charles struggling for power all through his reign, whenever opportunities offered: the latter part of it was in truth one continued invasion of the rights of the people; but we find no attempt to carry his point by the establishment of Popery, except in the instance of

the secret treaty with Lewis in 1669, which he had not the courage to act upon, or even to acknowledge. And when James urged him to measures favourable to the Catholic religion, his invariable answer was, "he "had no desire to go on his travels a second time *." James's opinion on this head is indeed expressed in a letter from Barillon to Lewis, of the 26th February, 1685: "Qu'il croyoit que Dieu n'avoit pas permis "que le Roy son frêre put faire une profession pub- "lique de sa religion, qu'un peu avant sa mort, "parcequ'il avoit trop craint de se montrer aux yeux "des hommes tel qu'il étoit, et que cependant il l'avoit "pu faire en diverses rencontres, sans aucun péril †."

The correspondence of Monsieur Colbert with his master proves to demonstration, that Charles never entertained a serious thought of establishing the Catholic religion in England, although he frequently held out expectations of it, to obtain supplies from Lewis; for after frequent mention of his Majesty's intentions by that ambassador, when it came to the

* The measure of dispensing with the tests had been suggested in the latter end of his reign by Chief Justice Herbert, and encouraged by Jeffries; but Charles was restrained by his prudence from attempting it. Dalrymple, Vol. i. p. 152.

† "That God had not permitted his brother to make a public pro- "fession of his faith till just before his death, because he was too much "afraid of manifesting to men what he really was; and that nevertheless "he might have done so, without any danger, on several occasions." Mr. Fox's Appendix, p. 32.

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point for him to declare himself, Colbert writes, 25th February, 1671: Charles gave for answer he would neither declare his Popery, nor send any one to Rome at that time—After which he turned the matter aside with levity, by desiring a theologian to be sent from Paris, to instruct him in the mysteries of the Catholic religion; but, at the same time, desired his instructor might be a good chymist; and that he might put off his conversion till the end of the campaign; in the mean time, desiring a treaty with the see of Rome, in which the Pope should permit the sacrament to be administered in both kinds, which he knew must be inadmissible; and that mass should be said in the vulgar tongue *.

Apprehensions of Charles of the consequences of his brother's zeal for the Catholic religion.

In a letter of Barillon, of the 1st of November, 1677, he tells Lewis that Charles said to him, "It is "my brother the Duke of York's conduct that has "given rise to all these suspicions: all the jealousy "and passion that people have in this country against "the prosperities of France, spring from the Duke's "declaration of his religion. In the first war of 1667, "they looked upon all the conquests that were made "in Flanders with indifference, and cared little about "them; but since the Duke of York professed the

* Colbert's letters of the 21st March and the 7th of June, 1672. Dalrymple, Vol. ii. page 84.

"Catholic religion, all England has been in motion, "and apprehensive that I have other designs, or am "taking measures for changing the government and "religion of my country. This is the rock against "which I must guard myself; and I assure you, I "need every thing to enable me to resist the continual "efforts of the whole English nation: for, in fine, I "am the only one of my party, except it be my "brother."

How strong an impression there was on the mind of Charles, of the danger likely to arise from an attempt to introduce the Catholic religion, is still further manifested in Barillon's letter of 14th October, 1680, wherein he says, "I know it from a good quarter, "that the King of England presses the Duke of York "strongly to take the Protestant tests; and that he "has declared to him, it is the only means of bringing "about his continuance in England, and preventing "his utter ruin." This urgency on the part of Charles derives additional weight from the knowledge he had of his brother's violent repugnance to temporizing on the point. Lord Dartmouth, in a note on Bishop Burnet, states, "I have a letter of the Duke's, in "which are these words: "What you hint to me in "your letter, and what Lord Hallifax in his has more "plainly said, and has been pressed by Lord Hyde, "concerning my going to church, has mortified me

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" very much, since I cannot do it; for indeed I see " nothing but ruin, when such measures are taken as " to produce such a message to me, when there was no " reason to believe I would comply."

Popularity of James on his accession.

Every historian who has written on this reign agrees that the King's popularity on his accession, was equal to that of any of his predecessors, which is supported by authentic records that cannot be mistaken. The first acts of his reign, and the manner in which they were received by the country, establish the truth of this opinion beyond all controversy.

In his speech to the Privy Council, when they were assembled on the death of his brother, he tells them, " he shall follow his example *, and most especially in " that of his great clemency and tenderness to his " people!" which, instead of creating any dread of such an example being followed, was, as Mr. Fox truly says, received with unbounded applause by the greater part of the nation; when, on the supplication of the Council, he was prevailed with to publish it: and even the haughty language he used in his speech to the first Parliament, (little less than a menace, Mr.

* Whose unfeeling disposition and attempts to establish an arbitrary power must have been fresh in the recollection of all who heard the declaration. This is one of the few instances, however, in which James kept his word.

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Fox observes,) suggesting that "if they did not use "him well, he should not meet them often," was so far from being resented, that the most humble and hearty thanks of both Houses, for his Majesty's most gracious speech and declaration, (voted in the House of Commons, *nemine contradicente*,) were carried up to the throne *.

That not affected by extraordinary exertions of power, or by measures injurious to British interests.

The breach of the treaty with Spain, extremely dangerous to British interests, and the King's close connection with France, measures likely to be disagreeable to the people in the highest degree, passed almost without notice; and the exertion of power, in collecting, by virtue of his own proclamation, the duties which had been granted to his brother for his life, was so far from having given any disgust or offence, or exciting any resentment on the part of the Parliament, that the first proceeding in the House of Commons was passing an act (with an expedition unexampled in the case of a money bill), to legalize that measure without question or difficulty †. To this provision large grants were afterwards added.

* Journals of the House of Commons, Vol. ix. p. 714 and 715. See Lord Lonsdale's account of this speech.

† Parliament met on the 19th May: on the 22d (the first day of business), the revenue for life was voted; and the bill to confirm it was read the first time in the House of Commons, *nemine contradicente*, the 23d; and was returned from the Lords, assented to, the 27th of the same month. Journals of the House of Commons, Vol. ix. p. 715, 716, and 720.

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The King's popularity was proved, however, not merely by the proceedings of the Parliament alone; the sense of the people at large was expressed by addresses to him, poured in from all parts of the kingdom; many of them so remarkable for servility and the grossest adulation, as to deserve every censure with which they have been branded. Nor did the persecution of the Dissenters, under the authority of Jeffries, in giving whose character Mr. Fox has manifested great temperance and forbearance, create any apparent sensation in the country.

When we see James's conduct applauded, with these instances of severe oppression before us, it must somewhat lessen our surprize that no apparent effect was produced here by the miseries, cruelties, and persecutions inflicted upon the Scottish nation; not only by acts of power unheard of, (although the accounts of some of the cruelties may have been exaggerated,) but by laws deliberately enacted in their Parliament of unexampled severity *; in referring to which, Mr. Fox has understated their enormity: notwithstanding which, if any feelings of indignation and regret were excited in the breasts of individuals, at these cruel and detestable proceedings, in a country so near to and so much connected with their own, there was no public

* Scotch acts, 1 James VII. chap. 31. Do. chap. 13. Do. chap. 8. Do. chap. 5. Do. chap. 4. Do. chap. 6.

manifestation of any such by the English Parliament or people.

Religious persecutions.

The abuse of power in religious as well as in civil matters has unhappily not been confined, in these dominions, to any particular sect or description of men; and in no period of our history can instances be produced of more intolerance than in that of the reigns of the three last of the Stewarts. It must be admitted that when power was in the hand of the kirk in Scotland, they used it with an unrelenting hand; though not in the murderous manner their opponents afterwards did: and the Dissenters, who quitted this country under the oppressions of Laud, became in New England oppressors in their turn, most cruelly persecuting the Quakers when they arrived there; many of whom they imprisoned and put to death, on the score of their religion: and when this was put a stop to, they transferred their persecution to the Anabaptists. The eloquent author of the History of the European Settlements in America says, "In "short, this people, who in England could not bear "being chastised with rods, had no sooner got free "from their fetters, than they scourged their fellow-"refugees with scorpions; though the absurdity, as "well as injustice, of such a proceeding in them must "have stared them in the face." There is still extant

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in the Council Office, an order of the King in council, of the 9th September, 1661, reciting that several Quakers had been imprisoned and executed; and that it had been represented others were in danger of undergoing the like; and directing a stop to be put to all such proceedings. This was addressed to all the Governors of New England, and of all the colonies thereunto belonging; and to all the ministers and officers there *.

Establishment of the Catholic religion the strongest motive for James's desire of power.

It would not be easy to find, in the history of any country, stronger marks of attachment and support from a people to a Sovereign, than those which were manifested in the opening of James's reign, under trials of no common nature. What a prospect of success was here opened to him, of establishing a power great as he could wish! But with power alone he could not be content, except that power should enable him to establish the Catholic worship throughout his dominions.

* See this paper in the Appendix. See also Dr. Douglas's Summary Historical and Political of the British Settlements in North America, Vol. i. p. 436. A law of Massachusets, in 1656: "None of that cursed "set of heretics lately risen up in the world, called Quakers, to be im- "ported, under a penalty of £. 100. The punishment, banishment; and "not to return on pain of death." Other laws were made for whipping the Quakers, and sending them to the house of correction; for cutting off their ears, and burning their tongues with hot irons. Wynne's History of the British Empire in America, Vol. i. p. 79, and 80. See also Neale's History of New England.

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In the eager pursuit of that object he adopted the following measures, although he must have known from experience the dangers to which they exposed him.

Indifference of Parliament about the free exercise of that religion by himself.

In two days after his accession he went publicly to mass; and unnecessarily published that his brother died a Papist, of which he produced proof. Even these proceedings do not appear to have created at first much concern or jealousy: on the contrary, so late as the end of May, the Commons resolved, *nemine contradicente*, "that this House doth acquiesce; "entirely rely, and rest wholly satisfied in his Majesty's "gracious word, and repeated declarations, to support "and defend the religion of the Church of England, "as it is now by law established, which is dearer to us "than our lives *." James had reason to hope, therefore, that in the exercise of his own religion, even publicly and ostentatiously, he would not be disturbed. That, however, was not enough for the zeal of the Monarch, impelled by the advice of Jesuits, to whose guidance he had given himself up, and one of whose number he selected for his confessor, and made a Privy-Councillor. Having found the Parliament acquiescent on points, respecting which their feelings and opinions, as well as those of the country, were

* Journals of the House of Commons, Vol. ix. p. 721, *a*.

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likely to be much alive, he thought he might take measures of a much more decisive nature.

Alarm taken at his dispensing with the penal laws against Papists.

It is on contemplating these measures, and on considering the evidence from the French correspondence, that it appears impossible to agree with Mr. Fox, who speaking of the determined purpose of James for establishing a system of absolute power, at the commencement of his reign, says, "To this design "we must look for the main spring of all his actions at "this period; for, with regard to the Roman Catholic "religion, it is by no means certain that he had yet "thought of obtaining for it any thing more than a "complete toleration *:" and when it is adverted to, how very soon after he expressed to the two Houses his determination to dispense with the laws which had been made for the security of the Protestant religion, desiring "that no exceptions might be taken to his "having given commissions in the army to some "officers not qualified according to the late tests †," it will appear that his earliest intention, after his accession, was to go much further than to obtain merely a toleration for his own religion.

Proceedings of the Commons in consequence of it.

The effect produced by this public declaration to Parliament was instantaneous: insensible as both

* Mr. Fox's Historical Work, p. 78.

† Journals of the House of Commons, Vol. ix. p. 756, *a*.

Houses had been to all other stretches of authority, they took a most serious alarm at this, and in the House of Commons, instead of a motion being agreed to for considering the speech immediately, in order to an Address of Thanks, as had been done in the former instance, a future day was appointed for the consideration of it *; and although on that day a supply was voted, a report was made from the same committee of a resolution for a bill to render the militia more complete †. Both measures were agreed to unanimously by the House; but on the next day, upon a question whether the matter of supply should have precedency, it was carried in the negative by a majority of one; and a resolution was agreed to, "That it be an instruction to the Committee of the "whole House, that the Committee proceed first in "the consideration of that paragraph in his Majesty's "speech which next follows that of the supply;" which paragraph related to suspending the Test Act ‡. That was on the 13th November: on the 14th, resolutions for an address were agreed to, *nemine contradicente*, "humbly shewing that those officers of the "army, who are not qualified for their employments "by the acts for preventing dangers which may "happen from Popish recusants, cannot by law be "capable of their employments;" and entreating,

* Journals of the House of Commons, Vol. ix. p. 756, *a*.

† Ibid. p. 756, *b*. ‡ Ibid. p. 757, *a*.

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therefore, "that his Majesty would graciously be "pleased to give such directions, that no appre- "hensions or jealousies may remain in the hearts of "his Majesty's good and faithful subjects *." On the 16th, the address was agreed to; and on the 17th, it was presented †; his Majesty's answer to which was, "That his Majesty did not expect such an address "from his House of Commons, having so lately re- "commended to them a good understanding, &c ‡."

Parliament prorogued.

The supply, however, went on to a considerable extent; notwithstanding which, on the 20th, the King prorogued the Parliament §, submitting to the deprivation of an aid to the amount of L.700,000 and upwards, (more than he could hope to receive from France for some years,) rather than abide the consequences of the measures intended to be proposed for the protection of the Protestant religion: for on no other point was there a symptom of resistance to him; and he never assembled it again during the remainder of his reign.

James's zeal not checked by the proceedings in Parliament.

This warning of the sentiments of his people on the subject of religion, from a House of Commons which had just before shewn so blind a devotion to him, was not sufficient to check the zeal of James; for, after

* Journals of the Houe of Commons, Vol. ix. p. 757, *b*.
† Ibid. p. 758, *a*. ‡ Ibid. p. 759, *b*. § Ibid. p. 761.

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the prorogation, he first personally canvassed the members of both Houses in possession of places, and who were near him; and then instructed the Judges, in March, 1686-7, when going on their circuits, "to "feel the pulses of the members; and gave them "general orders, to sound the inclinations of the "several gentlemen who sat in Parliament *." "In "consequence of this examination of the members, "a number of vacancies ensued †."

Instructions to the Judges to canvass members for the repeal of the Test, &c.

These measures of violence and plausible persuasions failing of success "to draw the majority of Parliament "into the King's own way of thinking, as to the test "and penal laws, he cared not to see them assembled "at the time seemingly appointed, and therefore "further prorogued the Parliament to November fol-"lowing." Still, however, bent on carrying his point, he, towards the close of the same year, "ordered the "Lords Lieutenants of most, if not all, of the counties "of England to call together their deputies and "Justices of the Peace, and ask them these three "questions: 1st, If the King should call a Par-"liament, and they should be chosen members of it, "whether or no they would vote to take away the "test and the penal laws? 2dly, Whether or no they "would give their votes for such members as they "believed would be for the repeal of the same?

And to Lords Lieutenants.

* Reresby's Memoirs, p. 136. † Ibid. p. 137.

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" 3dly, Whether or no they would live peaceably, " and as Christians ought to live, with such as differed " from them in religion? Some Lords Lieutenants, " who refused to comply with this order, were turned " out to give place to Papists; and the deputy " Lieutenants and Justices of the Peace, who did not " return satisfactory answers, were for the most part " divested of office *."

Other violent measures of James in England for the establishment of the Catholic religion.

We next find him closeting the Judges, to persuade them to declare for his dispensing power in the case of Hales; in which he at last succeeded, (except with respect to one of them,) by changing part of the number, as has been already observed;—authorizing the public consecration of Popish Bishops;—forbidding the clergy to preach on controverted points;—erecting an ecclesiastical commission, which had been suppressed by law in the former reign, in which were several Papists;—suspending the Bishop of London, for not silencing Dr. Sharpe, who had in a sermon adverted to some controversial positions †;—making a

* Reresby's Memoirs, p. 143.

† These circumstances are stated in all our histories. And we have the authority of Puffendorff (quoted by Welwood) for Charles, on delivering to his brother, at his death, the key of his strong box, advising him " not to think upon introducing the Romish religion into England, it " being a thing that was both dangerous and impracticable;" which is the more remarkable, as in his last moments he went through all the Popish ceremonies. The Spanish ambassador, who must have approved of James's conduct, if he had seen a prospect of success from it, remonstrated with him against it.

proselyte of one minister *, and removing two others because they would not become such †;—sending a public embassy ostentatiously to Rome, in defiance of the law which constitutes the offence in the person employed high treason. That embassy ‡ affords the stronger proof of James's purpose; because, in addition to the violation of the law, and to the outrage thereby occasioned to the opinion and the feelings of his subjects, he could not be ignorant that he incurred a risk of giving serious offence to Lewis, on whose support he chiefly depended for the establishment of his power; who was at the time on such terms with the Pope, as led very soon after to an open breach, by an appeal on the part of the French Monarch from the proceedings of his Holiness to a General Council.

* The Earl of Sunderland, who formally abjured in 1687; but did not make a public profession of his being a convert till 1688. Barillon's Letter of July 8th, 1688.

† Lord Rochester and Lord Clarendon, his brothers-in-law.

‡ Innocent the Eleventh was so well aware that the indiscreet zeal of James was not likely to "reconcile the kingdoms of England, Scotland, "and Ireland, to the Holy See," the avowed object of the mission, that he received Lord Castlemain with the utmost coldness: in consequence whereof, his Lordship intimated an intention of retiring; on hearing which, his Holiness said, "Well, let him go, and tell him it were fit he "should rise early in the morning, that he may rest himself at noon; "for in this country it is dangerous to travel in the heat of the day." Welwood.

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Not satisfied with going these lengths, James pressed forward, bestowing almost all employments on Papists:—publishing a proclamation in Scotland for liberty of conscience, with a recital that "considering the severe and cruel laws made against "Roman Catholics, called Papists;" which was followed by a similar one in England:—attempting to force a Benedictine Monk on the University of Cambridge, and depriving the Vice-Chancellor for resisting it:—commanding the election of a Papist for the mastership of Magdalen College in Oxford; and appointing Massay, a Papist, to the deanery of Christ Church there *:—directing mass to be celebrated in the fleet, which created so great a danger of mutiny, that his Majesty thought it necessary to go himself from ship to ship, at the Nore, to quiet the officers and seamen; flattering them, and calling them his children; saying, "that he had nothing to do with their religion, and

* Father Warner's MS. History, quoted by Dr. Gee, in his Animadversions on the Jesuits' Memorial, London, 1690. The King's dispensation to Massay, to excuse him from taking the oaths of allegiance and supremacy, or any test or sacrament, or making any declaration or subscription respecting religion, or performing or subscribing any other act or acts, in conformity to the doctrine, discipline, or liturgy, of the Church of England; and also to absent himself from Church or Chapel, or usual Place of Common Prayer, and to forbear reading the same; and then authorizing the admission and installation of him, notwithstanding he may be a convict recusant, is printed at length in the Appendix to the State Papers of Henry Earl of Clarendon, Vol. ii. p. 278.

"that he granted liberty of conscience to all;" which he was obliged to give proof of, by sending the priests on shore *:—cashiering Protestant officers, and giving their commissions to Papists, in open defiance of the Test Act; under the force of which he had been obliged to lay down his office of High Admiral in his brother's reign, when he had not publicly owned his conversion to the Church of Rome:—receiving publicly the Pope's nuncio at Windsor, and disgracing the Duke of Somerset, then Lord Chamberlain, and one of the most powerful Peers, because he would not introduce him formally; an act that would in law have been criminal:—admitting his confessor, a Jesuit, into the Privy Council:—issuing a second proclamation for liberty of conscience, and ordering it to be read in all churches; which several of the Bishops refusing to send to the clergy, were for that offence committed to the Tower, and prosecuted in the Court of King's Bench; where, on a trial at bar, they were acquitted, with rejoicing almost universal on the part of the public. The proceedings here enumerated gradually worked up the minds of the people to enthusiasm; but it was the last which, more than any other, opened the way for the reception of the Prince of Orange.

* Reresby, p. 153.

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Measures in Scotland for the attainment of the same object:

In Scotland, the evidence of the object which James was most intent upon is also reasonably strong; for, although he knew that, in that part of his dominions, religious opinions had great influence on the conduct of the people, the coronation for that country was declined by him, according to Mr. Laing, "as re-"pugnant to the religion he proposed to introduce." Endeavours were there used to obtain a repeal of the penal laws and the test, from tenderness to the Roman Catholics; which attempts to introduce Popery, Mr. Laing says, "were too direct and too gross to succeed." The failure in Parliament, however, did not prevent a declaration of indulgence being issued by the Privy Council: a measure equally hateful to the Episcopalians and Presbyterians; the former of whom had shewn a ready disposition to contribute to investing the King with absolute power: but they were filled with rage, when they found that was to be exercised for the establishment of Popery *. And the feelings of both were deeply wounded, by a Popish chapel having been fitted up in the ancient palace of their Kings; with appointments for a regular

* The draft of the act, as rendered palatable by the Lords of Artioles, and the King's letters (on failure of that measure), for dispensing with the penal laws against the Catholics, are inserted in Crookshank's History of the Church of Scotland, Vol. ii. p. 454, and 456.

Popish seminary there*; which were rifled and demolished by the populace in 1688†. SECTION III.

But it is to Ireland we must look for still more positive proofs of James's bigotry, and of what his primary object was. The facts are taken from Archbishop King's State of the Protestants of Ireland under King James's Government. The Archbishop was himself a witness of them; having continued his residence there during that reign, and while James was in Ireland, after the Revolution. They are also restated by Welwood, who lived at the time, on the Archbishop's authority. Lord Tyrconnel‡, a known Papist, remarkable for his bigotry and for his hatred to the Protestants, was appointed to the chief government, at the intreaty of the Roman Catholic clergy §, And in Ireland.

* Crookshank's History of the Church of Scotland, Vol. ii. p. 460, 471.

† Ibid. p. 490.

‡ For an account of this person and his family, see the Continuation of the Life of Henry Lord Clarendon, p. 360. He was, before the Restoration, known as Dick Talbot; and at last created by James the Second first Earl, and then Duke, of Tyrconnel.

§ The Earl of Clarendon was removed to make room for Lord Tyrconnel. For instances of the violence of Lord Tyrconnel, as displeasing to the right-judging Catholics, as to the Protestants, see Henry Lord Clarendon's State Papers, Vol. i. p. 101, 102. 106. 281. 293. 306. 314. 317. 322. 367. 370. 375. 440. 451. Do. Letters, Vol. ii. p. 37. 43, 44. particularly Vol. i. p. 295, as to putting Roman Catholics into Corporations, and making them Sheriffs and Justices of the Peace. Lord Clarendon mentions the removal of three Judges in 1686, Vol. i. p. 190;

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who promised to receive his " dship with such " acclamations as the long captived Israelites did their " redeemer Mordecai *." The Judges, who had been complained of in the former reign for their partiality to the Papists, were now not thought zealous enough in their cause; and were removed to make room for others, who were themselves Papists †.

The Great Seal, which had been taken from the Primate in 1685-6, to be given to Sir Charles Porter, (against the wish of Lord Clarendon ‡, the Lord Lieutenant,) as a person more likely to promote James's views, was in 1686-7 taken from him, and put into the hands of Sir Alexander Fitton, who had been twice convicted of forgery and fined by the House of Lords, and was afterwards released from a gaol, where he had been confined some years, to become the keeper of his Majesty's conscience §; his merit being his conversion to Popery. The Chief Baron, who had a mortal hatred to the Protestants, was a man of the most exceptionable character ‖; and some of the other

and remarks on the order to dispense with the new Judges taking the oaths of supremacy, *ibid.*; and the three new ones being sworn of the Privy Council, 296.

* The Letter is printed in Archbishop King's Appendix, p. 43.

† Page 68.

‡ Henry Lord Clarendon's State Papers, Vol. i. p. 100 to 105. 172. Vol. ii. Diary, p. 6.

§ Archbishop King, p. 29, and 66. ‖ Ibid. p. 71.

Judges were of the same stamp; and so many Papists were put into the Privy Council, as to constitute them a majority *. Several charters were dissolved, for the purpose of filling the corporations with Papists. An act of Parliament was passed, providing that tythes due by Papists should be paid to their own priests; and the Popish clergy were made capable of enjoying the Protestant tythes †. And Bishoprics and Deaneries were kept vacant, the revenues of which were paid into the Exchequer, and afterwards disposed of to titular Bishops and priests ‡.

Most of these proceedings were had whilst James was making the strongest professions here of his determined purpose to maintain the Protestant cause. But he proceeded to still greater lengths, when he found himself at liberty to pursue his own course, during his residence in Ireland. All Protestants, without distinction of age or sex, were by proclamation, 26th July, 1689, confined to their cities and parishes,

* Archbishop King, p. 87. † Ibid. p. 224.

‡ Ibid. p. 220. Lord Clarendon also, when he was Lord Lieutenant, in a letter to his brother, the Earl of Rochester, Lord Treasurer, tells him, that the money directed by the King's letter to be paid to the Roman Catholic Bishops (which he had communicated to the Roman Catholic Primate) should, pursuant to the King's command, be paid out of the revenues of the vacant Bishoprics, in the manner directed. Lord Henry Clarendon's State Papers, Vol. i. p. 460, 461. And in another letter, he mentions an annual payment of £.2190 to the Roman Catholic Primate, to be distributed, Vol. ii. p. 66.

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without any reason assigned, or any limitation fixed *: and all possible means were adopted for depriving the Protestants of their liberties, and despoiling them of their property, in order to throw it into the hands of Papists †. Not content with these proceedings against the Protestants, James at last took away from them, by an act of Parliament, the jurisdiction of their own church ‡; and, to complete the whole, an Act of Attainder was passed, which at once subjected to the pains and penalties of high treason, two Archbishops, one Duke, sixty-three temporal Lords, twenty-two Ladies, seven Bishops, eighty-three clergymen, two thousand one hundred and eighty-two Baronets, Knights, Esquires, and gentlemen: all of whom, Protestants, were declared traitors, without having been heard; and were adjudged to suffer death, as guilty of high treason.

There is certainly no instance of such a proceeding in the history of the worst times in this country: for, while the bill was depending, the members for the several places returned the names of all such Protestant gentlemen as lived in the county or borough for which they served, or who resided near them §. And when the act was presented to the King for his assent, the Speaker of the House of Commons told him, "That

* Archbishop King, p. 109. † Ibid. p. 101 to 187.
‡ Ibid, p. 228. § Ibid. p. 204.

"many of those named in it were attainted upon such "evidence as satisfied the House; the remainder "upon common fame *." And to render the measure complete, the act was carefully locked up, and not allowed to be seen by any Protestant, nor indeed was it accessible to any one, till four months after the time had elapsed for any of the persons to surrender †.

It was at this precise period that James sent a declaration into England, dated May 8th, 1689, where it was distributed by his friends, in which he states, "that his Protestant subjects, their religion, privileges, "and properties, were his especial care since he came "into Ireland ‡." In the following year, proclamations were published in Dublin against the Protestants: the first, May 3d, 1690, calling on all of them to

* Archbishop King, p. 207.

† Ibid. p. 208, &c. The act is printed at length in Archbishop King's Appendix, with the names of all the persons attainted, p. 1. It would have been much more satisfactory to have referred to the original act and proceedings of Parliament; but after the most diligent search in the several repositories in Dublin, they are not to be found. A very learned and highly respectable clergyman, remarkably conversant on subjects of this sort, states that the books and proceedings of James's Parliament of 1689 were torn, on the arrival of King William's army, and delivered to the common hangman to be publicly burnt. There is, however, extant a printed collection of the acts of that *soi disant* Parliament, among which is this Act of Attainder; and it will also be found in some other publications.

‡ Archbishop King, p. 17.

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register their names in a book; declaring all such, who should not do so, to be spies and enemies:—and the second, forbidding more than five Protestants to meet together, under pain of death; explained to extend to churches *.

Evidence of James's purpose from the correspondence of Barillon.

The proof that James's principal object was the firm establishment of his own religion throughout his dominions, might safely be rested on the evidence, thus produced, of his proceedings at home: but as Mr. Fox founds the contrary opinion on the correspondence of Barillon, which he has printed; it becomes necessary to refer to such passages in that correspondence as relate to this part of the subject. Barillon tells Lewis, so early as in his first interview with James after his accession, 19th February, 1685, the day after the death of his brother: "Il me dit que sans son appui et sa "protection, il ne pouvoit rien entreprendre de ce "qu'il avoit dans l'esprit en faveur des Catholiques; "qu'il savoit assez, qu'il ne seroit jamais en sûreté que "la liberté de conscience pour eux ne fût entièrement "établie en Angleterre; que c'est à cela à quoi il "travaillera avec un entière appliquation dès qu'il "verra de la possibilité †."

* Appendix to Archbishop King, p. 122, and 123. No. 30, and 31.

† "He told me, that without your support and protection he could "undertake nothing of what he designed in favour of the Catholics; "that he knew he should never be in safety till a liberty of conscience

On the 5th of March, Barillon, after alluding to suspicions of an intention to destroy the Protestant religion, and to tolerate only the Catholic, says, " C'est un projet si difficile dans son exécution, pour " ne pas dire impossible, que les gens sensés ne l'ap- " préhendent pas: mais le peuple est susceptible de " toutes sortes d'impressions, et on leur fait croire " qu'ils verront la persécution contre les Protestants " exercée avec autant de rigueur que du temps de la " Reyne Marie, lorsque l'Angleterre étoit encore plus " remplie de Catholiques que de Protestans *."

But in the same letter, after saying the King and his ministers will use their utmost endeavours to dissipate their fears, and to impress on the public mind that it is the King's intention to govern according to law, he adds, " On demeure presque d'accord de part " et d'autre, que les loix pénales contre les Catholiques " seront abolies et que l'on ne poursuivra plus ceux

" should be established firmly in their favour in England; that it was to " this he meant wholly to apply himself, as soon as he should see a " possibility of success." Fox's Appendix, p. 19. Dalrymple, vol. ii. part 1. page 101.

* " It is a project so difficult in the execution, not to say impossible, " that intelligent persons have no apprehensions of it; but the people are " capable of receiving all sorts of impressions; and they are made to " believe that they will see the Protestants persecuted with the same " severity as in the time of Queen Mary, when there were as many " Catholics as Protestants in England." Mr. Fox's Appendix, p. 44.

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" qui se contenteront de l'exercise de la religion Ca-
" tholique dans le dedans de leur maison; on ne fait
" pas même de doute que la séance du Parlement ne
" soit rendue aux Seigneurs Catholiques *."

We have, in addition to these proofs, the authority of Lewis himself, for his having explained that it was for the establishment of the Catholic religion alone that he gave the largest sums to James. On the 24th of April, 1685, on sending two millions of livres to Barillon, he writes, " Je consens néanmoins que vous
" fassiez payer jusqu'á quatre cens mille livres pour
" fournir aux gratifications, que le Roi jugera à-propos
" de faire pendant cette Assemblée; et à l'égard de
" seize cens mille livres restans, vous ne vous en
" désaisirez qu'en cas que la conduite du Parlement
" soit asses mauvaise, pour obliger le Roi à le casser;
" ou qu'il trouve d'ailleurs de si fortes oppositions à
" l'établissement d'un libre exercise de la religion
" Catholique, qu'il soit obligé d'employer ses armes
" contre ses propres sujets †."

* " It is generally agreed, that the penal laws against the Catholics
" will be repealed; and that no interruption will be given to persons, in
" the exercise of the Catholic religion in their own houses; and it is not
" doubted but that the Catholic Peers will be restored to their seats in the
" House of Lords." Mr. Fox's Appendix, p. 45.

† " I consent, nevertheless, that you shall be at liberty to pay to the
" extent of 400,000 livres, for the gratifications that the King shall think
" it fit to give during the sitting of Parliament; and with respect to the

On the 30th of April, Barillon says, " Cependant, " il est, selon mon opinion très necessaire que V. M. " ne suspende pas les payements, et qu'elle me per- " mette de fournir au Roy d'Angleterre ce que je " croirai devoir donner sur les quinze cens milles livres " qui resteront après le parfait payement de l'ancien " subside ; j'oze repondre que cet argent aura un aussi " bon effet qu'aucun que V. M. ait pu donner. " C'est un coup decisif pour ce que V. M. a d'avantage " à cœur, c'est-a-dire, pour l'etablissement d'un ex- " ercice libre en faveur de la religion Catholique *."

On the 9th of May, Lewis replies to Barillon, " Mais, pour vous éclaircir encore plus particulierè- " ment des mes intentions ; a fin que vous ne puissiez " point vous éloigner, je suis bien aise de vous répetér ;

" 1,600,000 remaining, you are not to part with them but in the event " of the conduct of Parliament being so perverse, as to compel the King " to put an end to the session ; or that he shall find so strong an opposi- " tion to the *establishment of a free exercise of the Catholic religion*, as to " compel him to employ his arms against his own subjects." Mr. Fox's Appendix, p. lxiii.

* " In the mean time it is, in my opinion, very necessary your Majesty " should not suspend the payments ; and that I should be permitted to " give to England as much as shall appear to be proper out of what shall " remain of the 1,500,000 livres, after completing the payment of the " ancient subsidy. I will be responsible for it, that this money will " produce as good an effect as any that can be bestowed. It would be " decisive in obtaining what your Majesty has most at heart, the *establish-* " *ment of a free exercise of the Catholic religion*." Mr. Fox's Appendix, p. lxx.

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" qu'il est vrai que le principal motif, ou, pour mieux " dire, le *seul et unique*, qui m'oblige de vous faire " remettre avec tant de diligence une somme aussi " considérable qu'est celle de deux millions, pour en " secourir le Roi d'Angleterre dans ses plus pressants " besoins *, c'est le zèle que j'ai pour l'augmentation " de notre religion, secondé de mon estime et de mon " affection pour le dit Roi :—il doit être aussi d'autant " plus persuadé de cette vérité, que je ne stipule " aucunes conditions de lui, et que l'intention que " j'ai de maintenir la paix dans toute l'Europe ne me " laisse pas lieu de croire, que j'y puisse trouver assez " d'obstacles pour avoir besoin d'aucune assistance " étrangère ; j'ai assez bonne opinion aussi de la fer- " meté du Roi d'Angleterre dans la profession qu'il " fait de la religion Catholique, pour être bien per- " suadé qu'il employera toute son autorité à en établir " le libre éxercice, sans qu'il soit nécessaire de l'y " exciter par une distribution d'argent prématurée, et " qui ne doit pas être employé si le Parlement lui " accorde le même revenu dont jouissoit le feu Roi " d'Angléterre, et consent aussi à l'établissement du " libre exercice de notre religion †." And adds after-

* At this time the Parliament was loading him with grants.

" † But to possess you more particularly with what my intentions are, " so as to prevent your mistaking them, I repeat to you that it is true " that the principal, indeed the only, motive which has induced me to " remit to you, with so much promptitude, so large a sum as two

wards in the same letter: " Et je veux que vous " gardiez ces fonds, pour n'en disposer qu'en cas que " le Roi d'Angleterre ne pouvant pas obtenir de son " Parlement la continuation des mêmes revenus " qu'avoit le feu Roi son frère, ou rencontrant trop " d'obstacles à l'établissement de la religion Ca- " tholique, se trouve obligé de le séparer, et d'employer " son autorité et ses forces pour reduire ses sujets à la " raison ; je consens, en ce cas, que vous l'assistiez " pour lors de toute la somme de quinze cens trente " mille livres, soit en un ou plusieurs payements, ainsi " que vous le jugerez à-propos, et que vous m'en " donniez avis dans le même tems par un courier " exprès *."

" millions, to assist the King on the most pressing occasions, is the " *zeal by which I am actuated for the increase of our religion*, aided by my " esteem and affection for him. He ought to be the more firmly per- " suaded of this truth, as I exact no conditions from him; and as my " intention to maintain peace throughout Europe leaves me no reason " to apprehend I shall want any foreign assistance. And I have likewise " a sufficient confidence in the firmness of the King of England, in the " profession of the Catholic religion, to be persuaded that he will exert all " his authority to establish the free exercise of it, without its being " necessary to have recourse to a premature distribution of money; and " which should not be used, if the Parliament shall grant to the King his " late brother's revenue, and shall also consent to the establishment of " the free exercise of our religion."

* " And I desire you will keep these funds, which are not to be dis- " posed of, unless the King of England shall not be able to obtain from " his Parliament a continuation of the revenue of his late brother; or " shall find so strong a resistance to the establishment of the Catholic

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On the 15th of June following, Lewis again says to Barillon, " Il ne reste donc plus, tant pour ma satis- " faction que pour la sienne (Jaques) qu'à obtenir le " révocation des loix pénales en faveur des Catho- " liques, et le libre exercice de notre religion dans " tous ses états, et vous savez que cést aussi le prin- " cipal motif qui ma porté à vous faire remettre avec " tant de diligence des sommes si considérables. " Mais comme ce Prince ne juge pas à-propos de " tenter, quant à-présent, cette demande, je ne veux " pas aussi le presser de se mettre au hazard d'un " refus dans une matière si importante, et pour le " succès de la quelle il est de sa prudence de prendre " des mesures bien justes. Je croirois néanmoins qu'à " present que le Parlement parôit disposé, à ne lui " rien refuser, soit que la seule affection le fasse agir, " ou que la crainte y soit melée, ce Prince feroit tres " sagement d'én profiter et d'én tirer ce qu'il désire en " faveur de notre religion, sans leur donner le temps " de se reconnôitre, et de concerter avec ceux qui " sont les plus annimés contre notre religion, ce " qu'ils auront à faire pour empêcher le progrès ; et si " le Roi prenoit ce parti la, et qu'il trouvât quelque

" religion, as shall oblige him to put an end to the session ; and to " exercise his authority, and to resort to arms, to bring his subjects to " reason. In which case, I consent to your assisting him with the whole " sum of 1,530,000 livres, either in one or in several payments, as you " shall judge proper, advising me thereof by an express courier." Mr. Fox's Appendix, p. lxxi, and lxxii.

" obstacle qu'il ne pût vaincre qu'avec mon assist-
" ance, je la lui accorderois volontiers, aussitôt que
" vous m'auriez informé de ses besoins. Mais jusqu'à ce
" qu'il prenne cette résolution, et qu'il l'exécute, mon
" intention n'est pas de rien changer aux ordres que
" je vous ai donnés; et je veux que vous gardiez les
" fonds que je vous ai fait remettre, pour n'en dis-
" poser que lorsque je le jugerai nécessaire *."

Lewis had given Barillon a caution about the disposal of the money in his hands, in a letter of the

* " It remains, therefore, only for my satisfaction, as well as his, " (James's,) that the revocation of the penal laws should be obtained in " favour of the Catholics, and the free exercise of our religion in all his " dominions; and you know that the attainment of that object has been " my inducement for remitting such large sums so expeditiously. But as " this Prince does not think it advisable to make the attempt at present, " I would not urge him to risk a refusal in a matter of so much import- " ance, and for the success of which he will use his discretion in taking " proper measures. I think, nevertheless, that the Parliament appears " to be disposed not to refuse him any thing; whether under the in- " fluence of affection or fear, he will do wisely to avail himself of that " disposition, and to derive from it what he wishes *in favour of our* " *religion*, without allowing them time for reflection; and to learn from " those who are most adverse to our religion, what they would do to " hinder the progress of it. If the King shall take that course; and he " shall meet with any difficulty he cannot surmount without my assist- " ance, I will cheerfully give it to him, as soon as you shall apprize me " of the necessity for it. But till he adopts that resolution, and shall " carry it into effect, my intention is not to change the orders I have " given you; and I desire you will keep the funds I remitted to you, " which you are not to dispose of till I shall judge it necessary." Mr. Fox's Appendix, p. xcix.

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25th of May*; but on the 13th July, he is more peremptory: "Comme je vois avec plaisir que le "Parlement d'Angleterre fournit amplement à tous les "besoins du Roi de la Grande Bretagne, et que ce "Prince ne trouvera pas même d'obstacle au réta- "blissement de la religion Catholique, lorsqu'il voudra "l'entreprendre, après qu'il aura achevé de dissiper le "peu qui reste de révoltés, j'ai jugé à-propos de faire "revenir les fonds que je vous avois fait remettre pour "appuyer, en cas de besoin, les desseins que ce "Prince voudroit former en faveur de notre religion. "Ainsi mon intention est que, si cet argent est dans "votre maison, vous le fassiez remettre à plusieurs fois "entre les mains des banquiers, avec le même secret "qu'ils l'y ont porté; et s'il se peut, d'une manière en- "core plus impénétrable, voulant que, soit qu'il soit "demeuré entre les mains des dits banquiers ou chez "vous, il soit renvoyé par les mêmes voïes, et remis "en mon épargne, jusqu'à ce que je juge nécessaire "de l'employer en faveur du Roi d'Angleterre †."

* Mr. Fox's Appendix, p. lxxxvii.

† "As I see with pleasure that the Parliament of England amply sup- "plies all the wants of the King, and that he will find no obstacle even to "the re-establishment of the Catholic religion, when he shall undertake "it, after he shall have got rid of the few remaining persons who have "revolted; I think it proper to recall the funds, which I had remitted to "support the measures of that Prince in favour of our religion, in case "of necessity. It is therefore my intention, if you have the money in "your house, that you shall replace it in the hands of the bankers, with the

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With these directions it appears, by a letter from Barillon three days afterwards (July 8th), that Lord Rochester, then treasurer, was much dissatisfied *; and James and Lord Sunderland not less so: the King urging to him strongly the exertions he was making for the establishment of the Catholic religion; which could not succeed without the aid of Lewis; and Lord Sunderland pressing the same on his consideration. "Milord Sunderland est entré fort avant avec moi, et "m'a paru informé à fonds de ce qui s'est passé entre "le Roi d'Angleterre et moi, sur la sujet de la religion "Catholique. Ce ministre m'a dit, "Je ne sais pas "si on voit en France les choses comme elles sont ici; "mais je défie ceux qui les voyent de près de ne pas "connoître que le Roi mon maître n'a rien dans le "cœur si avant que l'envie d'établir la religion Ca-"tholique; qu'il ne peut même, selon le bon sens et "la droite raison, avoir d'autre but, que sans cela il "ne sera jamais en sûreté, et sera toujours exposé au "zèle indiscret de ceux qui échaufferont les peuples "contre la Catholicité, tant qu'elle ne sera pas plus "pleinement établi: Il y a une autre chose certaine,

"same secrecy with which you received it; and, if possible, in a manner "still more cautiously guarded: it being my will that whether it is in the "hands of the bankers, or in yours, it should be remitted by the same "methods, and placed in my treasury, till I shall judge it to be necessary "to employ it for the service of the King of England." Mr. Fox's Appendix, p. 102.

* Ibid.

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" c'est ce que ce plan là ne peut réussir que par un " concert et une liaison étroite avec le Roi votre " maître; c'est un projet qui ne peut convenir qu'à " lui, ni réussir que par lui. Toutes les autres puis- " sances s'y opposeront ouvertement, ou le traverseront " sous main. On sait bien que cela ne convient point " au Prince d'Orange; mais il ne sera pas en état de " l'empêcher si on veut se conduire en France comme " il est nécessaire, c'est-à-dire, ménager l'amitié du " Roi d'Angleterre, et le soutenir dans son projet. " Je vois clairement l'appréhension que beaucoup de " gens ont d'une liaison avec la France, et les efforts " qu'on fait pour l'affoiblir; mais cela ne sera au pou- " voir de personne, si on n'en a pas envie en France; " c'est sur quoi il faut que vous vous expliquiez net- " tement que vous fassiez connoître que le Roi votre " maître veut aider de bonne foi le Roi d'Angleterre " à établir fermement ici la religion Catholique *."

* " Lord Sunderland has entered very far into the business with me; " and appears to be thoroughly informed of what has passed between the " King of England and myself, on the subject of the Catholic religion. " This minister said to me, " I do not know if matters are viewed in " France as they are here; but I defy those who see them near not to " know that the King my Master has nothing so much at heart as to " establish the Catholic religion; that he cannot consistently with good " sense, or right reason, have any other object; without which he never " can be in safety, but must always be exposed to the consequences of " the indiscreet zeal of those who will inflame the people against the " Catholic religion, *till it shall be completely established.* Another cer- " tainty is, that this plan cannot succeed but by a strict concert and

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On the 26th of July Lewis writes to Barillon: " Comme je vois par votre dernière que vous insistez " encore à ce que je vous laisse un fonds pour les " besoins qui peuvent survenir à la cour où vous êtes, " je ne puis m'empêcher de vous dire que j'ai été ex- " trêmement surpris de voir qu'après vous avoir in- " struit de mes intentions par plusieurs de mes " dépêches, vous n'ayez pas entiérement dèsabusé les " ministres de la cour où vous êtes de l'esperance " qu'ils ont conçue avec si peu de raison, que, dans le " temps que le Roy leur maître jouît d'un plus grand " revenu qu'aucun de ses prédécesseurs, je voudrois " encore épuiser mon épargne, et sacrifier, sans néces- " sité, le fonds que je ne m'étois ôté à moi-même que " pour donner au dit Roy des preuves plus extra- " ordinaires de mon amitié, au cas que le mauvais " état de ces affaires l'eut obligé d'y avoir recours: " elles sont, par la grace de Dieu, maintenant au point

" union with the King your Master. It is a project which can be con- " certed only with him; and can succeed but through him: all the other " powers will either oppose it openly, or counteract it secretly. It is " well known, it cannot be acceptable to the Prince of Orange; but he " will not be in a condition to hinder it, if they will conduct themselves " in France as they should do; that is to say, if they manage the King of " England's friendship, and support him in his plan. I see clearly the " apprehension many people have of an alliance with France, and the " efforts they make to weaken it; but that will not be in the power of " any one, if France does her part. It is upon this you must explain " yourself clearly, and make it known, that the King, your Master, will " sincerely assist the King of England in establishing the Catholic religion " firmly here." Mr. Fox's Appendix, p. 107. and Dalrymple, vol. ii. part 1. p. 174.

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" qu'il les pouvoit souhaiter, et ainsi je ne puis croire " qu'on renouvelle dorénavant les mêmes instances. " Mais si, contre mon opinion, on vous faisoit encore " de semblables sollicitations vous pouvez déclarer " nettement que je n'ai rien épargné pour vous donner " moyen d'assister le Roy d'Angleterre, lorsque j'ai eu " sujet d'appréhender que la religion Catholique dont " il fait profession ne servit de prétexte aux factieux " pour susciter des grands troubles dans son royaume " et pour l'empêcher de jouir des revenus qui ex- " piroient par la mort du feu Roy *." And then, after some observations on the prosperous state of James's affairs, he adds, " Enfin, vous voyez bien que mon

* " As I observe by your last, that you still insist on my having left " funds in your hands, for the wants which may arise at the Court where " you are; I cannot resist expressing my surprize to you at observing " that, after having expressed my intentions to you in several of my " dispatches, you have not entirely deprived the ministers of that Court " of the hope they have conceived with so little reason, that while the " King their Master was enjoying a greater revenue than any of his " predecessors ever had, I would continue to exhaust my treasury, and " sacrifice, without necessity, the funds of which I deprived myself only " for the sake of giving their King extraordinary proofs of my friendship, " in case the bad state of his affairs had made it necessary for him to have " recourse to them. They are, by the grace of God, at present at the " point where they could be wished to be; I cannot, therefore, believe " the same instances will be henceforth renewed: but if, contrary to my " opinion, the solicitations should be renewed, you may declare plainly " that I spared nothing to afford you the means of assisting the King of " England, when I had reason to apprehend that the Catholic religion, " which he professed, served only for a pretence to the factious to excite " great troubles in his kingdom, and to prevent his having the revenue " which expired on the death of his late brother." Mr. Fox's Appendix, p. 115.

" intention est que vous ne laissiez à la cour où vous " êtes aucune espérance de tirer de vous le fonds qui " est entre vos mains, et qu'au contraire vous devez le " remettre incessament en celles des banquiers, afin " qu'ils le fassent repasser dans mon royaume par " toutes les occasions qu'ils en auront *," And then concludes his letter with telling Barillon, he is persuaded James will be grateful to Providence for the happy success he has derived from it, in establishing the true religion which they both profess; and directs him to assist James's intentions with address and gentleness.

Two of James's ministers being Protestants, no proof that the establishment of the Catholic religion was not his primary object.

If the whole of the evidence, thus collected, of the proceedings of James in England, Scotland, and Ireland, together with the correspondence between Lewis the Fourteenth and his ambassador at this Court, formerly printed by Sir John Dalrymple, and that lately produced by Mr. Fox, shall be thought sufficient to establish the accuracy of the opinion, that the establishment of the Catholic religion was the first object of James; it is not very likely that much doubt will be raised on the point by Mr. Fox's observation, that two of the confidential advisers of this Monarch,

* " In a word, you see clearly it is my intention that you shall not leave " the Court where you are any hope of drawing from you the funds in " your hands; but, on the contrary, you should immediately place them " in those of the bankers, that they may remit them to my kingdom, by " every opportunity that shall offer." Mr. Fox's Appendix, p. 116.

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Lauderdale and Queensberry, were Protestants; when it shall be recollected, what an entire subserviency James experienced from the former, in every measure of importance, during the long time he presided in the administration of Scotland; and that the latter was removed from his employment, because he would not become a Papist; and especially if it is also considered, how the whole of that administration was composed. The words of Mr. Laing, on whose authority Mr. Fox places great confidence, are, "Queensberry, stripped of his employments, discovered, when too late, that neither the sums extorted for the Treasury, nor the merit of rendering the prerogative absolute, could atone for his want of the true faith. The administration was entrusted to Papists only: to Perth, a trimmer and cruel; to Melfort, a cruel and rapacious statesman; and to Murray, a convert, admitted to an ostensible share of power *." The two former, who filled the high offices of Chancellor and Justice General, had embraced the Catholic religion to obtain their employments.

Partiality of James to the Episcopalians.

Mr. Fox, however, insists much on the partiality of James to the Protestant Episcopalians, and on the test in their favour, as a proof that he had not, in the beginning of his reign, a design to establish Popery on the ruins

* Laing, 8vo, 2d edition, Vol. iv. p. 170.

of their Church; conceiving that a contrary opinion would be the height of absurdity *. But, with that respect which is due to his judgment, it may be asked, whether instances have not frequently occurred of whole bodies of men, as well as of individuals, having been led to promote the advancement of measures, which in the end have proved ruinous to themselves? The test, on which so much reliance is placed, in this instance, as a protection for the established Church, was completely disposed of by James, as far as his power extended, in a few months after his accession; as soon, in short, as the two Houses were adjourned, after they had granted him the revenue for his life: which point he put out of doubt in his speech, on their meeting again, before the expiration of the year, as referred to in another place. But if his language could have been mistaken, the eyes of all his Protestant subjects must have been most effectually opened by the appointment of Papists to commissions in the army, and to offices of trust.

He certainly thought he could by management at first derive aid from the Episcopalians, to which he was encouraged by the state of their clergy at that time; many of whom, we are told by Crookshank in his History of the Church of Scotland, were become Arminians, and several running headlong

* Mr. Fox's Historical Work, p. 124.

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into Popish tenets *. But as he advanced in his plan, we have seen that he had as little tenderness for the Episcopalians as for the Dissenters.

In a letter from Barillon to Lewis, written within a few days after the accession, he says, "Ce Prince "m'expliqua à fonds son dessein à l'égard des Ca- "tholiques, qui est de les établir dans un entière "liberté de conscience et d'exercice de la religion; "c'est ce qui ne se peut qu'avec du temps, et en con- "duisant peu-à-peu les affaires à ce but. Le plan "de sa Majesté Britannique est d'y parvenir par le "secours et l'assistance du parti épiscopal, qu'il re- "garde comme le parti royal, et je ne vois pas que "son dessein puisse aller à favoriser les Noncon- "formistes et les Presbitériens, qu'il regarde comme "de vrais républicains. Ce projet doit être accom- "pagné de beaucoup de prudence, et recevra de "grandes oppositions dans la suite †."

* History of the Church of Scotland, Vol. ii. p. 452.

† "This Prince (James) explained to me fully the whole of his plan "respecting the Catholics, which is to establish for them an entire liberty "of conscience, and the exercise of their religion; which can succeed "only in time, and by completing the business gradually. The plan of "his Britannic Majesty is to accomplish his object by the aid of the "Episcopal party, which he considers as the Royal party; and it does not "appear to me that he can have any intention of shewing favour to the "Nonconformists and Presbyterians, who he considers as true repub- "licans. This project requires being managed with great prudence, and "will meet with considerable opposition in its progress." Mr. Fox's Appendix, p. xxxiii.

This declaration to Barillon shews plainly what James had in his mind from the hour of his accession. The communication was made to him at the very time he was telling his Privy Council, what he repeated a few months afterwards to Parliament, that he should make it "his endeavour to preserve the government "in church and state, as it is now by law esta- "blished *.

Different motives attributed to James for the violent measures adopted by him considered.

Mr. Fox is, however, extremely desirous of pressing on his readers the correctness of his opinion respecting the motives for James's conduct: because the Tory writers, especially such of them as are not Jacobites, have laboured to prove, that the violences and illegalities of James should be attributed to his religion, "which was "peculiar to him, rather than to that desire of absolute "power, which so many other Princes have had, have, "and always will have, in common with him †." He is, therefore, anxious that this reign should not be considered as an insulated period, unconnected with the general course of history; and that the events of it should not be attributed exclusively to the particular character and attachment of the Monarch; but rather that it should be considered "as a part of that system which "had been pursued by all the Stuart Kings, as well

* Mr. Fox's Historical Work, p. 75.
† Mr. Fox's Historical Work, p. 102.

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"prior as subsequent to the Restoration;" because the lesson which it would in that case afford would be "very different, as well as far more instructive *."

Mr. Fox appears, however, not to have been uniform in that opinion, as he states in another part of his work, "As long as James contented himself with "absolute power in civil matters, and did not make "use of his authority against the church, every thing "went smooth and easy; nor is it necessary, in order "to account for the satisfaction of the Parliament and "people, to have recourse to any implied compromise, "by which the nation was willing to yield its civil "liberties as the price of retaining its religious con-"stitution. The truth seems to be, that the King, in "asserting his unlimited power, rather fell in with the "humour of the prevailing party than offered any "violence to it †."

Without arguing from the natural temperament and disposition of James, which was of that gloomy and ascetic kind on which religious impressions are calculated to act mischievously; without resting on the general popular belief, which, though sometimes rashly formed, seldom endures long without being founded on truth; we may fairly conclude, from the evidence of authentic

* Mr. Fox's Historical Work, p. 102. † Ibid. p. 155.

documents which have been now produced, as well as upon undisputed historical facts, that his first and leading object was the establishment of Popery; and that the attainment of arbitrary power, or the support of what his brother had already acquired, was only a secondary one in his regard. It is in such cases, it must be admitted, often difficult to distinguish between the cause and the effect, in motives or in consequences which are naturally combined. The hierarchy of Rome, which subjected the wills and consciences of men to one sovereign Pontiff*; which submitted opinion to infallibility, and threatened disobedience with the vengeance of Heaven; must have been more favourable to the submission of the people to arbitrary sway in civil concerns, than the plainer and less pliant code of the reformed religion, particularly in its Calvinistic form. Accordingly in all countries divided in point of religion, (remarkably in France and Germany,) the Catholics have generally ranged themselves on the side of absolute power, and the Protestants on that of freedom. But in tracing the actions of James, from his accession downwards, we find numerous instances of his adopting measures, to which he could be prompted only by his religious bigotry, because they were unfavourable to his arbitrary power.

* What its power or influence is now, it may be difficult to ascertain.

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Even before the death of Charles, his anxiety for his brother breathing his last in the bosom of the Catholic Church induced him to act that difficult and very embarrassing scene, which Barillon describes in his letter, giving an account of the death of the King *. "Je

* Mr. Fox's Appendix, p. xii.

Lord Dartmouth, in his MS. notes on Burnet, has the following entries.—On Vol. i. p. 358, 4th line. In one of the Duke's letters he writes, "Pray, once for all, never say any thing to me again of turning "Protestant: do not expect it, or flatter yourself that I shall ever be it. "I never shall; and if occasion were, I hope God would give me his "grace to suffer death for the true Catholic religion, as well as banish-"ment. What I have done was not hastily, but upon mature considera-"tion; and foreseeing all, and worse than has yet happened to me."—Again in p. 517 of same volume, line 7th from bottom. "I have a "letter of the Duke's, dated December 14th, in which he says, "Besides "that in conscience I cannot do what you so press me to, it would not "be of that use or advantage to his Majesty as some think: for the "Shaftsburian and republican party would say it was only a trick; that "I had a disposition, and was still a Catholic in my heart; and say that "there was more reason to be afraid of Popery than ever. The reasons "are obvious. Besides I will never be brought to do it; and therefore "am glad to see that the thought of his Majesty writing to me upon that "subject is laid aside: for, should he be prevailed upon to do it, one "might easily guess what must soon follow after. Therefore, let all my "friends see to hinder such a letter; and put the thoughts of my com-"plying with them in that point, of changing my religion, quite out of "their heads."

And in another note in the same page: "I have a letter of the Duke's, "in which are these words; "What you hint to me in your letter, and "what Lord Hallifax in his has more plainly said, and has been pressed "by Lord Hyde, concerning my going to church, has mortified me very "much; since I cannot do it: for indeed I see nothing but ruin, when "such measures are taken as produced such a message to me, when there "was no reason to believe I would comply."

"hazarderai tout," said he to Barillon, "plutôt que "de ne pas faire mon devoir en cette occasion." And from the very commencement of his own reign, all his proceedings were calculated for paving the way for the sovereign Pontiff re-admitting the English nation into the pale of the only true church, which marked most unequivocally his fixed and determined purpose.

Amidst all the war of party, and the most violent measures adopted or proposed against himself personally, he never conciliated his opponents; nor did he ever court favour, or deprecate resentment, by any retractations of his religious opinions. His bigotry hoped to be the patron, but was content to be the martyr, of his faith. His conscience in this matter was a virtue, which it is impossible to deny him. He obeyed it on all occasions; and uniformly spoke of that sacred obligation as paramount to every object of interest or ambition, or of any compliance to obtain them *.

* Barillon's Dispatch, 26th February, 1685. Mr. Fox's Appendix, p. xxxiii.

Lord Bellasis, himself a Papist, who was esteemed one of the wisest men of his party, and who had been first commissioner of the treasury, observed to Sir John Reresby, after the Abdication, "that it was almost "impossible to think that the King, being a Papist as he was, should "ever again be restored; but that if he would but be a Protestant, it "would certainly happen in a very short time." Reresby's Memoirs, p. 188.

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General observations on the subject.

The alliance of religion with the vices or failings which its divine Author so constantly and so strongly condemns, is one of those moral paradoxes, unhappily but too common in the history of mankind. The genius of Christianity is forgotten amidst the forms which it assumes. Lewis the Fourteenth, whose ambition was about to desolate a great part of Europe, whose intolerance incited him to reduce to want and misery a million of his subjects, was proud of what he thought the spirit, as well as the title, of "the Most "Christian King;" and reproved in some degree, as we have seen, the conceding policy of his ambassador, who seemed to intimate that the public celebration of mass was dangerous to James, when that measure was necessary, as Lewis expresses it, "to the ease of his "conscience*; and expresses his concern for the orthodoxy of the Catholic Church, which he hopes James will be able to establish in England, and that it may be free from Jansenism †.

The same religious zeal indeed pervades the whole of Lewis's correspondence with his ambassador here ‡, in which almost every dispatch from Barillon speaks of the danger of pressing the ceremonies of Popery on the Court; and every answer of Lewis is full of the importance and obligation of them.

* Barillon's Dispatch, 9th March, 1685. Mr. Fox's Appendix, p. liv.
† Lewis to Barillon, 16th March. Ibid. p. lv.
‡ Vide Mr. Fox's Appendix, *passim*.

If we are right in the view we have taken of this subject, it must be admitted that the truth of history should not be sacrificed for the sake of "an instructive "lesson." Even on that ground, Mr. Fox's system does not seem to have any advantage. If history is to purify the passions, (as Aristotle says of tragedy,) by exhibiting their fatal effects; that example must be the most useful which is most general in its application. Now the lust of arbitrary power is a vice confined to Kings, which by persons in ordinary life can be but little felt or understood; whereas to bigotry and intolerance all ranks are subject, and their ill consequences are felt through all the stages of society.

There is indeed no necessity for making such a sacrifice in the present instance, because there is abundant matter in the reigns of the three first Monarchs of the Stewart race, for all the instruction, of the sort Mr. Fox had in view, which any one may be desirous of conveying to posterity. Nor is it meant to contend that the last of them was less desirous of power than his predecessors, or that the means he availed himself of for the attainment of it was less exceptionable; it is the use only he intended to make of that power, which has been here insisted on: a use, the necessity of which perhaps it would have been unnecessary to take so much pains in establishing, had it not been for the deduction which Mr. Fox seems

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desirous of making from it; namely, that the desire of power, and indeed of its abuse, is so natural to Kings, that it is needless to look for any motive, beyond that general one, to account for such tyrannical attempts in the Monarch against the freedom of the people; but which, it is the pride and the happiness of the subjects of the British empire to reflect, terminated at last, by the energy of the constitutional principles of our Government, and the native love of liberty in the country, in the ruin of the prince, and in the more firm establishment of the rights of the subject.

SECTION THE FOURTH.

CONTENTS.

Supplies of Money received from France privately by Charles II. and James II.—Not intended by either Party to prevent the Meetings of Parliament in England.—The Objects of Lewis and of the two English Monarchs in that corrupt Intercourse.—No new Discovery on the Subject by Mr. Fox.—His Charge against Sir John Dalrymple of with-holding criminating Matter against James not well-founded.—Observations on the Conduct of those who received Money from France, and on the Credit due to the Statements of Barillon as affecting Lord Russell and Sidney.

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SECTION IV.

Objects of the two Monarchs in the remittances from Lewis to James.

In the former sections we have ventured some remarks on those general points of Mr. Fox's narrative and discussions, which appear rather to flow from a partial view of the subject, than to be authorized by history ,or by the documents from which history is drawn. In this section is meant to be considered his representation of particular circumstances in detail, with which he endeavours to support the system he has laid down. Among these one of the most prominent is Mr. Fox's assertion, that the object of the supplies furnished by Lewis to the two brothers was to prevent their calling Parliaments, and enabling them to govern altogether without the controul or intervention of these assemblies. In order to investigate this point, we come next, to

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consider whether the remittances from France were intended to enable the King to govern without a Parliament, and whether they could have been sufficient for that purpose. In order to which, it will be necessary to refer to what passed on that subject in the last reign, as well as in the present.

There are unquestionably abundant proofs of Charles agreeing either to put an end to the sitting of Parliaments; to avoid summoning them; or to obtain support in them for French objects, under engagements with Lewis, from time to time, as he wished to obtain money from him: but there is not the least probability that either one or the other entertained an opinion that the meeting of Parliaments could be entirely dispensed with. The extract of a letter from Lewis to Barillon, last referred to on the subject of the Catholic religion, dated 26th of July, affords a tolerably clear illustration that Lewis had no such intention. The engagements appear to have been entered into by Charles, that he might have occasional supplies of money, that were not to be accounted for in any way; and by Lewis, that he might derive all the assistance that could be useful to him, from Charles or his brother, for the attainment of his objects, without the latter being restrained by their Parliaments: and we have seen that, in one instance, Charles, in the end of his reign, was enabled to hold out for nearly four years.

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Engagements of Charles in consequence of them.

In an earlier part of it Monsieur Rouvigny writes, 2d September, 1674, that Charles had agreed either to prorogue his Parliament to April, 1675, in consideration of 500,000 crowns; or, if he should convene it in November, to dissolve it, in case it should refuse to give him money: in consideration of which he was to have a pension of L. 100,000 a-year from France. On which Dalrymple truly observes, that Charles afterwards chose the first of these alternatives; got his money, and France was enabled to carry on the war a year without any fear of the English Parliament. This bargain paved the way to a formal treaty with France in 1676: by which the two Kings agreed to enter into no treaties without mutual consent; and Charles *, for another payment of 500,000 crowns, obliged himself to prorogue or dissolve the Parliament, if it should endeavour to force any treaties upon him contrary to that engagement; which sum protected France, in carrying on the war, from the possibility of any interruption by an English armament in 1675: and a second pension, given in 1676, is supposed to have enabled Charles to prevent the Parliament in that year from engaging him in a war with France †. But in the beginning of 1677, the Parliament being disposed to a war with Holland, remittances were made freely from Lewis to ensure a

* Dalrymple, Vol. ii. p. 99. † Ibid.

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favourable disposition to his designs; and Charles became the instrument of bribing his own subjects with French money.

Courtin writes, the 14th February, 1677, "J'ai "reçu la lettre de change de 11000 livres sterlings, "sur le quartier d'Octobre; elle est venu fort à- "propos, par ce que le Roi d'Angleterre avoit besoin "d'argent pour gagner ceux qui sont accoutumé à ne "faire de bruit que pour faire les mieux achester *."

On the 1st of April, 1677, he writes again: "Il est "de ma connoissance qu'il (Charles) a distribué tout "l'argent qu'il a reçu par mes mains, pour gagner les "suffrages dont il avoit besoin. Il a si bien servi le "Roi jusqu'à cette heure, qu'il le merite d'être assisté "dans ses necessités; et il sera trés important de "prendre soin de l'entretenir dans les bonnes dis- "positions dans lesquelles je l'ai laissé encore hier "au soir †."

* "I received the bill of exchange for £.11,000 sterling on the "October quarter. It came very a-pro-pos; for the King of England "wanted money, to gain those who were accustomed to make a noise "only to be better bought." Dalrymple, Vol. ii. p. 110.

† "To my knowledge, he (Charles) has distributed all the money he "received from my hands, to gain the votes he stood in need of. He "has so well served the King to this hour, that he deserves to be "assisted in his necessities; and it will be very important to take care to "keep him in the good disposition in which I left him yesterday in the "evening." Ibid.

And on the 13th of May, he writes again to his Court: "Il est même trés important que votre "Majesté envoye ici le premier term du subsidé. "Monsieur de Bergick et l'envoy de l'Empereur "auront deux cens cinquante mille livres à distribuer "dans la Chambre Basse. Ils feront plus avec cela "qu'on n'y pourroit faire de la part de votre Majesté "avec deux millions *."

On the 22d February, 1677, Courtin advises his Court to offer 400,000 crowns to Charles, to dissolve his Parliament; which was acceded to. And it appears, by a letter of his, on the 21st of June following, that he had received a power to give Charles L. 200,000 for the ensuing year;—augmented, as appears by another letter of the 12th July, to a pension of 500,000 crowns, to prorogue or dissolve the Parliament, with the assistance of Lewis's forces, if it should be necessary †. But Charles insisted upon 800,000 crowns; on assurance of which, he offered to prorogue the Parliament till the end of April, 1678 ‡. At last it was settled at two millions of livres.

* "It is very important that your Majesty should send here the first "payment of the subsidy. Mr. Bergick and the Emperor's envoy will "have two hundred and fifty thousand livres to distribute in the Lower "House. They will do more with this than could be done on your "Majesty's part with two millions." Dalrymple, Vol. ii. p. 110.

† Ibid. p. 110, and 111. ‡ Ibid. p. 112.

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Courtin writes on the 5th of August, "Le Roi "d'Angleterre m'a donné une parole positive d'ajourner "le Parlement quand le 13 mois Decembre sera venu, "jusqu'à la fin du mois d'Avril, c'est à dire jusqu'au "9 ou 10 du mois de Mai selon de stile de France. "Je lui ai promis que votre Majesté lui fera payer "cette année deux millions des livres, et quand le "dernier payement ne se fera que trois ou quatre mois "àprès la fin du mois de Decembre, sa Majesté "Britannique ne prétendra pas avoir aucun sujet de "s'en plaindre *."

In May, 1678, Barillon writes that Charles himself would sign a treaty which had been agreed on, to pay him six millions of livres, on condition of his neutrality, in the event of the allies refusing the terms of peace which should be offered by France; not assembling Parliament for four months; and disbanding his army. "Le Roi lui même signera le traité, aucuns des ses "sujets n'est assez hardi pour l'oser faire †." It is

* "The King of England has given me a positive assurance, that he "will adjourn his Parliament from the 13th of December to the end of "April; (that is, to the 9th or 10th of May, according to the French "style). I promised that your Majesty would pay him this year two "millions of livres: but though the last payment should not be made till "two or three months after the month of December, his Britannic Majesty "would have no cause to complain." Dalrymple, Vol. ii. p. 113.

† "The King himself will sign the treaty: none of his subjects are "bold enough to do it." Dalrymple, Vol. ii. p. 157.

accordingly signed by Charles and Barillon; and is entered at length, with other proceedings respecting it, in Dalrymple *; the conditions of which were as above stated: the stipulation for the six millions of livres being in a secret article.

In August, 1679, a new treaty was set on foot for avoiding the meeting of Parliament; on which occasion there are the following passages in Monsieur Barillon's letter of the 3d of that month: "Qu'il etoit tems que "votre Majesté prit un résolution et se déterminât à "le secourir d'une somme d'argent qui le mit en état "de ne pas recevoir la loi de ses sujets. Que s'il étoit "assuré de ce secours, il esperoit trouver des moyens "de remettre ses affaires dans la suite, et de ne plus "dépendre du caprice de la Chambre Basse. Je pris "cette occasion pour supplier sa Majesté Britannique "de m'expliquer quelles sont ses intentions sur les "séances du Parlement; et je lui representai qu'il "etoit fort difficile que votre Majesté pût prendre "aucune resolution, qu'elle ne fût pleinement informée "de la conduite que l'on devoit tenir ici à l'égard de "l'assemblée du Parlement, et sans savoir s'il a dessein "de s'en passer pour long tems, ou d'en éloigner seule-"ment les séances par des prorogations fréquentes. "Le Roi d'Angleterre me répondit, que j'avois vû ce

* Dalrymple, Vol. ii. p. 157 to 171.

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" qu'il venoit de faire, et que sans avoit aucune ré-
" ponse de votre Majesté, ni être instruit de ses
" intentions à son égard, il avoit pris le parti de casser
" le Parlement; qu'il en pourroit encore éloigner la
" séance, selon qu'il connoitroit les bonnes ou les
" mauvaises dispositions de ceux qui le composeroient;
" que cependant il ne pouvoit s'engager ni promettre
" de se passer absolument de Parlement, parce qu'il
" n'éspéroit pas que votre Majesté lui voulût fournir
" les sommes dont il auroit besoin, pour soutenir les
" dépenses nécessaires de son Etat, et pour subsister
" long tems sans Parlement; qu'il attendoit seulement
" des marques présentes de la bonne volonté de votre
" Majesté, qui le mettroient en état de gagner du
" tems, et de faire voir aux gens mal intentionnés qu'il
" n'est pas réduit à se remettre entre leurs mains; que
" personne ne connoit mieux que lui combien il est
" important que ce que sa Majesté feroit en sa faveur
" demeure secret et ne soit pas pénétré. Ce Prince
" entra ensuite dans le détail de ses affaires, et m'ex-
" pliqua combien ses revenus sont diminués. Il me
" fit entendre que la perte qu'il souffre ne se peut
" réparer entierement que par le Parlement; mais
" que pour en venir à bout, il faut que ses sujets con-
" noissent qu'il se peut passer d'eux; qu'alors ils
" seront plus traitable et prendront une conduite dif-
" ferente de celle qu'ils ont tenue dans les derniers
" tems. Je lui dis que les assemblées du Parlement

" me paroissoient toujours fort dangereuses, et qu'il " étoit difficile de s'en promettre rien de favorable " pour ses interêts, et qu'il seroit toujours exposé à " voir le Parlement se porter à tout ce qui est con- " traire à la France, et à le forcer peutêtre à y entrer " lui meme. Le Roi d'Angleterre m'interrompit sur " cela, et me dit: Je vois l'état où je suis réduit pré- " sentement; ne croyés pas que je me laisse con- " traindre à rien faire qui me puisse priver du seul " appui qui me peut soutenir. L'obligation que " j'aurai au Roi votre Maitre, me retiendra toute " ma vie dans ses interêts, quand même je ne con- " noitrois pas par expérience combien il seroit dan- " gereux pour moi de perdre son amitié. Il faut " qu'il se fie à moi, et qu'il croye que rien ne sera " capable de me faire oublier ce que je lui devrai; " je ne laisserai pas venir les affaires si avant que je " puisse être contraint par le Parlement; et je pren- " drai pour cela tous les engagemens, et donnerai " toutes les sûretés qu'on peut desirer *."

* " That it was time your Majesty should take a resolution, and " determine yourself to assist him with a sum of money, which might " put him in a condition not to receive law from his subjects. That if " he was certain of this help, he hoped he should find means to re- " establish his affairs afterwards, and not any longer depend on the " caprice of the House of Commons. I took this occasion to beg his " Britannick Majesty to explain his intentions with regard to the sitting " of Parliament; and I represented to him, that it was very difficult for " your Majesty to take any resolution, till you were fully informed of the " conduct which would be followed here with regard to the meeting of

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On the 9th of October, Barillon maintains in his letter that a treaty was moving slowly on; and a copy

" Parliament, and without knowing if he designed to go on without one
" for a long time, or only to put off the session by frequent prorogations.
" The King of England answered, that I saw what he had just done;
" and that, without having any answer from your Majesty, or knowing
" your intentions with regard to him, he had taken the part of dissolving
" the Parliament; that he could still put off the meeting of a new one,
" according as he knew the good or bad dispositions of those who com-
" posed it; that however he could not engage or promise to dispense
" altogether with Parliaments, because he had no hopes that your Majesty
" would furnish the sums necessary for sustaining the expences of the
" state, and supporting him long without the assistance of Parliament;
" that he only expected some present marks of your Majesty's good will,
" which might put him in a condition of gaining time, and shewing the
" malecontents that he was not reduced to put himself into their hands:
" That nobody knew better than him how important it was, that what your
" Majesty may do for him should remain secret and impenetrable. This
" Prince afterwards entered into a detail of his affairs, and explained to me
" how much his revenues are diminished. He made me understand, that
" the loss he suffers cannot be entirely repaired but by Parliament; but to
" bring this about, it was necessary his subjects should know that he
" could do without them; and that then they will be more tractable, and
" follow a different conduct from that they have lately held. I told him,
" that the meetings of Parliament always appeared to me very dangerous;
" and that it was difficult to promise himself any thing from it favourable
" to his interests; and that he would be always exposed to see the Par-
" liament carry itself in every thing contrary to France, and perhaps force
" him to enter into such measures himself. The King of England inter-
" rupted me upon this, and said: I see the state to which I am at present
" reduced; don't believe I will let myself be constrained to do any thing
" that can deprive me of the only prop which can support me. The
" obligation which I shall be under to the King your Master, will retain
" me all my life in his interests, even though I did not know by ex-
" perience how dangerous it would be for me to lose his friendship. He

of it is preserved in the depot, though it was not perfected: the secret article in which is, " Sa Majesté " trés Chretienne promet de faire payer à sa Majesté " Britannique la somme d'un million de livres Tournois " par an pendant trois ans, à compter d'ajourdhui; " la quelle somme d'un million sera payée par chacun " année à Londres, en quatre payemens égaux de " trois mois en trois mois, à condition toutesfois que " sa Majesté Britannique n'assemblera point son " Parlement pendant trois ans; et en cas que pendant " les dits trois ans le Parlement fût assemblé, sa " Majesté trés Chrétienne pourra faire cesser les " payemens qui resteront à faire.

" Sa Majesté Britannique considérant que pour " plusieurs raisons qui ne regardent que le dedans de " son royaume, et que ne peuvent être prévues, il " pourroit être nécessaire d'assembler son Parlement " pendant trois ans, se reserve la liberté de la faire, " promettant, en cas qu'elle s'y trouve obligée de ne " pas souffrir qu'il se traite aucune chose au prejudice " de son alliance avec sa Majesté trés Chrétienne; " mais plutôt de proroger ou de casser le Parlement,

" must trust to me, and believe that nothing will be capable to make me " forget what I shall owe to him. I will not let affairs go so far, as that " Parliament shall be able to compel me: and for this I will form every " engagement, and give every security that can be desired." Dalrymple's Appendix, p. 233.

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" si elle ne le pouvoit empêcher autrement; et consent " sa dit Majesté Britannique, que sa Majesté trés " Chrétienne soit juge elle même, si les payemens qui " resteront à faire d'un million par an devront être " continués *."

On the 3d of February, 1681, Barillon writes to Lewis: " Il reste seulement une difficulté, c'est celle " d'éloigner pour toujours la séance du Parlement. " Je sçai bien que c'est une sureté que votre Majesté " a raison de demander; mais elle me promit à " l'année 1679, de consentir que le Parlement s'as- " sèmblat quand le Roi d'Angleterre croiroit le devoir

* " His Most Christian Majesty promises to pay to his Britannic " Majesty the sum of one million of livres Tournois per annum for three " years, to be computed from this day: which sum of one million shall " be paid every year in London, by four equal payments, from three " months to three months; upon condition always that his Britannic " Majesty shall not assemble his Parliament during three years: and in " case during the three years the Parliament shall be assembled, his Most " Christian Majesty may cause the payments that remain to cease.

" His Britannic Majesty considering, for many reasons which regard " only the interior of his kingdom, and which cannot be foreseen, that " he may be under the necessity of assembling his Parliament within " three years, reserves to himself the liberty of doing it; promising, in " case he shall find himself obliged to do so, not to suffer any thing to be " treated of to the prejudice of his alliance with his Most Christian " Majesty; but rather to prorogue or dissolve the Parliament, if he " cannot otherwise prevent it. And his said Britannic Majesty consents " that his Most Christian Majesty shall himself be judge, if the payments " that shall remain to be made of a million per annum ought to be " continued." Dalrymple's Appendix, p. 244.

" faire pour ses intérests, pourvu qu'alors les subsides " cessassent *."

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These extracts, it is feared, may be tedious to the reader: nothing has, however, been selected but what appeared to be necessary for a full consideration of the subject.

Advantages gained by Lewis from these remittances to the two brothers.

From the light now thrown upon it by this correspondence, and adverting to the amount of the supplies granted by the British Parliament, the most probable conjecture by far seems to be, that the aids solicited by Charles and his brother, and given by Lewis, were with the intention of keeping Parliaments in check, rather than for the purpose of enabling the English Monarchs, as Mr. Fox supposed, to govern without them. Lewis certainly obtained objects of great importance to himself by his bounty. The war between England and Holland; the breach of the treaty between England and Spain, by which Lewis got the remainder of the Spanish Netherlands; and the alienation of James from the Prince of Orange,

* " There remains only one difficulty, which is that of putting off for " ever the sitting of Parliament. I know very well it is a security your " Majesty has reason to demand; but you promised me, in 1679, to " consent that the Parliament should assemble, when the King of " England should think it necessary for his own interests, provided that " in that case the subsidies should cease." Dalrymple's Appendix, p. 294.

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who was the greatest obstacle to the ambitious views of Lewis *; were among the fruits of the corrupt transactions.

Information produced by Dalrymple on the several points more full than that obtained by Mr. Fox.

Those who wish to be more fully and particularly informed on the whole of the intercourse between the English and French Courts, during the reigns of Charles the Second and James the Second, will not be disappointed in referring to Dalrymple's Memoirs; for, although there may be ground for differing with that author on his reasoning, there is no appearance of his having had any reluctance to the discovery of facts, or to the production of documents by which they might be ascertained. It is difficult, therefore, to understand on what foundation Mr. Fox has stated, that it was in consequence of his dissatisfaction at the manner in which Mr. Macpherson and Sir John Dalrymple had explained and conducted their respective publications †, that he was induced to consult the original documents; and added, "that the correspondence of "Barillon did not disappoint his expectations; as he "thought the additional information, contained in "those parts of it which Sir John Dalrymple had "omitted to extract or to publish, so important, that

* These objects are represented by Barillon to have been stated by Sunderland as a principle to be acted upon. Mr. Fox's Appendix, p. 60. Dalrymple, Vol. ii. part 1. page 155.

† Mr. Fox's Introduction, p. 24.

"he procured copies of them all;"—observing to one of his correspondents, "my studies at Paris have been "useful beyond what I can describe*." It certainly does not appear how these studies of Mr. Fox, and the industry of his friends in copying for him †, were usefully applied; for, on attentively comparing the letters he has printed, with Sir John Dalrymple's Appendix, it will be difficult to find the discoveries alluded to. We are therefore to learn what foundation there is for imputing to that author an attempt at concealment, respecting any part of the censurable conduct of James, by withholding a part of the correspondence of the year 1685.; the whole of which is not published by Mr. Fox himself; who has omitted a very long letter of the 26th of March, 1685, printed by Dalrymple ‡, in which James's demand for a supply to an immense amount is represented, and the profligate views of himself and his ministers are fully developed. Dalrymple could not have been restrained from producing to the public the letters he met with by any possible motive, but the apprehension of swelling his book to such a size as to deter any one from reading it §. There is not a single trait in the character or

* Mr. Fox's Introduction, p. 34. † Ibid.

‡ Dalrymple, Vol. ii. part 1. p. 141.

§ They already fill a very large quarto volume, closely printed; and are so numerous, as to render it unlikely that more than a very few should be acquainted with them. It is hardly possible Mr. Fox could have read them: he would otherwise have been aware that Sir John had produced

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conduct of either of the Monarchs, which could have a tendency to render their memories hateful to posterity, of which he has not brought proof. He has shewn that the measures adopted by both, in consequence of their infamous intercourse with France, were dangerous to the constitution at home, and ruinous to the interests of their country abroad. And it will not be doubted but that he has sufficiently marked the atrocity of James on his accession, as well as during the few months which Mr. Fox's History embraces. The issue might safely be tried in that very period, whether Sir John Dalrymple's proofs are not at least as incontestible as Mr. Fox's; and whether they are not brought forth at least as convincingly.

Proofs of that.

The whole letter of the 18th of February, 1685, without date in Mr. Fox's Appendix, is printed by Dalrymple*, wherein Barillon gives an account of what passed in Charles's last moments, relative to his dying a Catholic. An extract of Barillon's letter of February 19th, from "il me fit hier†," in which is a laboured apology from James, to avoid giving offence

stronger evidence on the same points than he had done. He would also, as observed in another place, have been aware of that author's reference to the Clarendon Papers to support a fact, which Mr. Fox considers as utterly unsupported.

* Mr. Fox's Appendix, p. 11. Dalrymple, Vol. ii. part 1. p. 90.

† Mr. Fox's Appendix, p. 18 to 21. Dalrymple, Vol. ii. part 1. p. 100.

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to Lewis, by calling a Parliament without consulting him, as he promises to do in every thing; a step he professed to have taken from necessity, and to keep up appearances:—and in which likewise the Lord Treasurer insists, if the King had not money from Lewis, he would be at the mercy of his people; concluding, "et que de ce commencement dépendoit tout le "bonheur de son Maître."

The 26th of February, 1685 *, from the beginning to "et si je n'en serois pas chassé;" wherein it appears Lewis had sent James 500,000 livres, which he received with the warmest effusions of gratitude †; that his confidential ministers were acquainted with Lewis's bounty, who immediately expressed their satisfaction thereat, and stated the good consequences which would result therefrom; urging, therefore, prompt supplies; referring, at the same time, to the stipulations with Charles, and to arrears due at his death; and alluding to the Spanish treaty.

The 1st of March, 1685, from "J'arrive de White-"hall ‡," to "le Prince d'Orange;" in which it is

* Mr. Fox's Appendix, p. 29. Dalrymple, Vol. ii. part 1. p. 106.

† He was at the time in the receipt of his brother's revenue; and from the disposition of the whole country, he was sure of ample supplies on the meeting of Parliament, which proved to be abundant and cheerfully given.

‡ Mr. Fox's Appendix, p. 42. Dalrymple, Vol. ii. part 1. p. 115.

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stated that James refuses to receive the submission of the Prince of Orange, unless he will connect himself with France.

The 16th of April, 1685, from "Milord Sunder-"land *," to "le Prince d'Orange;" in which is mentioned that Lord Sunderland was of opinion that James should not merely break with his Parliament, the Prince of Orange, and the House of Austria, but that he should separate from them with eclat, and take off the mask completely, when Parliament should have granted the revenues; that Lord Godolphin, however, was not inclined to go the whole length, respecting the Parliament and the Prince of Orange.

The 30th April, there are extracts relative to the King going publicly to mass, and to the practice of bribing English members of Parliament †.

The 16th of July, 1685, from "Milord Sunder-"land ‡," to "la religion Catholique," in which Lord Sunderland protests the King has nothing so much at heart as establishing the Catholic religion; which can

* Mr. Fox's Appendix, p. 60. Dalrymple, Vol. ii. part 1. p. 155.

† Mr. Fox's Appendix, p. 66, and 69. Dalrymple, Vol. ii. part 1. p. 174, and 153.

‡ Mr. Fox's Appendix, p. 107, and 108. Dalrymple, Vol. ii. part 1. p. 174.

only be effected by a strict alliance with France. And in another part of the same letter, from "qu'il avoit" to "François *," there is an expression of James to Barillon, "that he had been brought up in France, "had eaten of his Majesty's bread, and that his heart "was French."

The 29th of October, 1685, from "Il ajouta" to "royale †," in which Barillon tells Lewis that James had declared to him his intention to make the Parliament revoke the Test Act and the Habeas Corpus Act. The first of these he always considered as having been levelled principally against himself. This was a subject of constant complaint with his Majesty; and Sir John Reresby states, that in all his private communications with Members of Parliament under his influence, "he told them the Test Act was made in "the height of faction, not so much in prejudice to "the Roman Catholics in general, as to himself in "particular, and to obviate his rightful accession; "that while that and the penal laws remained in "force, no soul of that persuasion could be safe; that "it was against all municipal law for free-born subjects "to be excluded the service of their Prince, or for a

* Mr. Fox's Appendix, p. 109. Dalrymple, Vol. ii. part 1. p. 175.
† Mr. Fox's Appendix, p. 127. Dalrymple, Vol. ii. part 1. p. 171.

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" Prince to be restrained from employing such subjects " as he thought for his service; and that he, there- " fore, hoped they would be so loyal as not to refuse " him their voices for annulling such unreasonable " laws: every man that persisted in a refusal was sure " to be outed *." He certainly found great embarrassment from the Test Act in every step he took for the attainment of his views, notwithstanding the success he had experienced with the Judges, respecting his dispensing power. From the provisions of the Habeas Corpus Act he could not extricate himself at all. But however desirous he might be of influencing the decision of Parliament on these two important laws; and notwithstanding the approbation he had manifested of the indiscriminate use of French money in the hands of his brother; at one time offering to lend Lewis a sum for the purpose of his giving it to Charles †: he did not at all delight in the application

* Reresby's Memoirs, March 7th, 1685, p. 135.

† Barillon, in his letter of the 2d of October, 1679, tells Lewis that the Duke of York offered to lend Lewis his own money, as a mark of confidence, and to facilitate the pecuniary part of the treaty. And in another letter, of the 2d of November following, suggests that the first payment shall be made to Charles out of his brother's money, (Dalrymple's Appendix, I. p. 237;) with which loan his Royal Highness might very well have been able to assist Lewis and his brother, considering the reputation he had for economy, and that he had an income of upwards of £. 104,000 a-year, equal, in proportion to the value of money in 1797, to £. 279,000, according to a very accurate table, made by the late Sir

of it, after he came to the Crown in 1685, for the purpose of obtaining votes in the House of Commons; assigning as a reason, that he had formerly known the inconvenience which happened from it, that all who wanted money, or posts, distinguished themselves against the Court, in order to gain their point *.

With such evidence before us, produced by Sir John Dalrymple, in support of charges against the two brothers, it appears not to be quite consistent with justice to reproach him with having "omitted to extract or "publish important dispatches;" as it would be extremely difficult to devise a possible motive, after what he produced himself, for withholding one sentence printed by Mr. Fox. The researches of the latter were confined, as already observed, to a part of the year 1685; whereas the Baronet applied his industry

George Shuckborough, and printed in the Philosophical Transactions of that year, part 1. p. 176.

His Royal Highness's revenue arose as under:

Excise and post office - - -	£. 79,800
His Majesty, for his Royal Highness's children	3,000
Cofferer for diet - - - -	10,400
Forfeited estates in Ireland - - -	7,800
Small branches - - - - -	3,500
Journals of H. C. Vol. xviii. p. 118.	£. 104,500

* Dalrymple, Vol. ii. part 1. p. 154.

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to every thing he could find, from the year 1667 * to the Revolution: to which glorious event the measures of James necessarily led.

Mr. Fox's charge against Macpherson.

It is of little importance to the object of this publication, whether Macpherson had recourse to the journal of King James, or to the historical narrative compiled from it, as there are only some general references to the authorities produced by him: but although Mr. Fox says, in a letter to a friend, that he had learnt from undoubted authority that Macpherson never saw the former; and that he had detected an impudent imposture †; no proof is offered of these assertions. The papers, by the common courtesy of the College, were accessible to every one who went to Paris: it is not intelligible, therefore, why they should have been refused to, or neglected by, Macpherson. The Tory or Jacobite tendency, which so much offended Mr. Fox in that writer, would have been no disqualifying character with the worthy principal or associates of that seminary: nor indeed does it seem easy to assign a reason for Macpherson having falsely pretended to consult the original, as it has never been alleged that the abstract differs materially.

* See the account of money distributed by Monsieur Courtin in 1667. Dalrymple, Vol. ii. p. 314.

† Introduction to Mr. Fox's Historical Work, p. 26.

from it. Mr. Hume saw both; and has given a short sketch of the MS. of King James, as far as relates to the schemes in the alliance with France *.

Reflections on the conduct of the two Monarchs and some of their subjects, on receiving privately pecuniary aids from Lewis.

It is impossible for any man of an upright and an honourable mind not to be struck with indignation at the conduct of these two Monarchs, respecting their connections with France. There is something still more degrading in the manner of their obtaining the pecuniary assistance which they received from Lewis, than if, equally false to their duty and to their kingdom, they had acquired it by the exertions of diplomatic address, or the force of arms. Nothing can justify the conduct of the two brothers, in their private communications and corrupt connections with the French King. An attempt to palliate it, by urging the long and hereditary connections which had subsisted between the Stewart dynasty and the Monarchs of France, to whom they were always accustomed to look up for assistance against foreign, and protection against domestic, enemies, would be but a bad defence. Every native of Great Britain, carrying on a clandestine correspondence with a foreign power, in matters touching the interests of Great Britain, is *primâ facie* guilty of a great moral, as well as political, crime. If a subject, he is a traitor to his King and his country; if a Monarch, he is a traitor to the Crown which he

* Volume viii. p. 4. in the note.

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wears, and to the empire which he governs. There may, by possibility, be circumstances to extenuate the former; there can be none to lessen our detestation of the latter.

That large sums were received from France by the two Monarchs, their ministers, and others of their subjects, it will be impossible to doubt, when the correspondence of Courtin and of Barillon with their Court shall have been read: for, on arguing the testimony of the papers of those ambassadors as historical evidence, it must be acknowledged, without reference to legal nicety, that their letters must be uniformly admitted or rejected; not admitted against the King, and rejected against his opponents. That will not, however, preclude the argument which their intrinsic nature, or the comparison of other cotemporary documents, afford, to criminate the one or exculpate the other. The zeal of some of the admirers of Sidney and Russel (a zeal natural to a British mind) led them at first to dispute the authenticity of Barillon's letters altogether, which, Mr. Fox says, "were worth "their weight in gold *." A better defence, however, has always appeared capable of being made by no very unreasonable suspicion, not of the authenticity, but of the authority, of that minister's correspondence, connected with the nature of the transactions them-

* Introduction to Mr. Fox's Historical Work, p. xxxiv.

selves; and the equivocal purpose of his statements, with regard to the intercourse between him and the leaders in the British Parliament.

Doubts whether the remittances were invariably applied as stated.

It is difficult to be persuaded, that the distributions stated by him are in all instances correct; particularly in the cases of the two distinguished men above mentioned, notwithstanding the observation of Sir John Dalrymple, "that when he found in the French dis- "patches, Lord Russel intriguing with the Court of "Versailles, and Algernoon Sydney taking money from "it, he felt very near the same shock as if he had seen "a son turn his back in the day of battle*." So strong an expression would naturally lead the reader to expect that the imputation would be established beyond all possibility of doubt: but some relief must be derived from learning that the proof of the facts, which occasioned this severe trial of Sir John's nerves, rests on the authority of Barillon's letters†. That minister stated that he had given two bribes of L.500 each to Sydney‡; and that with Lord Russel he had been in a clandestine intercourse.

* Dalrymple, Vol. ii. Preface, p. vii.

† Except the statement in Dalrymple, that among the letters to Lord Danby in 1677-8 there are some from Montagu, then ambassador at Paris, in which he informs his Lordship that Rouvigny was to go over with money, to act in concert with Lord Russel; and that Barillon was intriguing with the Duke of Buckingham, and the popular party in England. Ibid. p. 130.

‡ Ibid. Vol. ii. part 1. p. 315.

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Intercourse of Lord Russel and Sydney with Barillon.

Without resolving the question just now alluded to, or deciding what degree of extenuation is admissible in the case of a subject of one Prince having private communications, on matters of state, with the ambassador of another, in time of peace; it must be observed, that in the whole of the correspondence between Barillon and his Court, there is not one syllable tending to an insinuation that either of those persons shewed a disposition to give furtherance to any view of Lewis, hostile to what they believed to be the true interests of their country *: on the contrary, Monsieur Barillon himself furnishes evidence of the principles which Sydney avowed to him, and on which he acted, very opposite to any wish of aiding James's objects †. The statement by Barillon, of Sydney having accepted the money from him, is certainly very plain and distinct: but however we may differ from that distinguished man as to the form of government best adapted to promote the happiness and prosperity of his country ‡, in judging on a point of high importance to his reputation, it will not, we hope, be thought illiberal, or bearing too hard on the memory of a

* See Dalrymple, Vol. ii. pages 130, 131. 134.

† Letters from Barillon to Lewis the Fourteenth, of September 30, 1680. Dalrymple, Vol. ii. p. 312.

‡ In addition to his works published, we have Barillon's statement to Lewis of the principles avowed openly by Sydney to him, in his letter of September 30th, 1680. Appendix to Dalrymple, Vol. ii. p. 312.

foreigner of considerable note, if we have in our contemplation, on one hand, the high character of our countryman for inflexible integrity, and the improbability of his doing any thing unworthy of that for two sums comparatively so paltry; and, on the other hand, that Barillon was entrusted by his Sovereign with very large sums of money; the distribution of which he was of course to give some account of, but for which no vouchers could be required of him: and if it shall be thought allowable to entertain a doubt of the accuracy of the accounts of the ambassador, we may then venture to suggest that he had a twofold inducement to place those sums to the name of Mr. Sydney, as furnishing a discharge for the amount stated to be given; and affording means of obtaining credit with his employer, for having been able to prevail with such a man to receive foreign money for any purpose.

This appears not to be an unfair way of viewing the subject. Mr. Fox, however, could hardly be aware how Barillon's testimony bore on the character of these two men, on whom he bestows great and just eulogiums, when thinking it useful in support of a position he wished to maintain, he appreciated the value of Barillon's letters so highly, as we have observed, and added that his studies at Paris "had "been useful beyond what he could describe."

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If the possibility of Monsieur Barillon having diverted the application of any of the money with which he was entrusted, to other uses than those he stated to his Court, should be admitted; there are passages in Madame de Sevigné's letters, as well during the residence of that minister here, as after his return to France, which may deserve attention. On the 20th of April, 1672, when he was at home on leave, she writes, " Barillon a fait ici un grand sejour; " il s'en va, etc.: son emploi est admirable cette année, " il mangera cinquante mille francs; *mais il sait bien* " *ou les prendre.*" And after his final return to France, she writes of the 21st March, 1689, " Mon- " sieur de Barillon est riche, gras, vieux, à ce qu'il " dit, et regarde sans envie la brillante place de " Monsieur D'Avaux. Il aime la paix et la tran- " quilité au milieu de ses amis, et de sa famille, dont " il est contente *."

Mr. Fox, in a letter to a private friend, says, " I remember most of the passages in Madame de

* In this letter she alludes to a former one of her's, of the 2d of the same month, in which she says, speaking of James the Second's departure from France, " Le Roi lá comblé de toutes choses, et grandes, et " petites; deux millions, des vaisseaux, des fregates, des troupes, des " officiers; Monsieur D'Avaux, qui fait en cette occasion la plus belle et " la plus brillante figure du monde: oui je ne vois personne qui ne " trouve cet emploi digne d'envie, et d'un homme consommé dans les " affaires, et capable de donner de bons conseils; si Monsieur de Barillon " ne sont cela, il ést bien heureux."

"Sevigné, and will trouble you to hunt for another, "which I also remember, and which in some view "is of importance. If my memory does not deceive "me, in one of the early volumes, while Barillon is in "England, she mentions the report of his being getting "a great deal of money there: but I have not been "able to find the passage *." From the nature of the inquiry, it seems not unlikely that, if the search had been successful, it might have produced somewhat of the same effect in Mr. Fox's mind that the extracts here quoted may not improbably do on that of the reader; and might have a little shaken the confidence he appears to have had in the minute accuracy of the ambassador, although not as to his general statements.

Mr. Fox's observations on the conduct of Parliament, respecting the bill for the preservation of the King's person, appear, from the latter part of the note at the bottom of the page †, to have arisen, at least in a considerable degree, from a desire to impress his readers with an opinion that some measures, which were adopted a few years ago for the public safety, were of a similar nature with the provisions in this bill: but nothing is said to point out the resemblance. The treasons defined by the bill, as originally brought in, did not differ essentially from those previously established by the law of England. The substantive acts of

* Introduction to Mr. Fox's Work, p. 49.

† Mr. Fox's Historical Work, p. 146.

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compassing or imagining the death or destruction, or bodily harm tending to the death or destruction, maim, wounding, or imprisonment of the King; or to deprive him of, or to depose him from, the Crown; or to levy war against him*, or to stir foreigners to invade the kingdom; are certainly treasons within the most limited construction of the 25th Edward III †. For the treason which was attempted to be created, by the clause prohibiting the acknowledgment of the legitimacy of Monmouth, by writing, printing, preaching, or advised speaking, there was a precedent in the 13th Elizabeth, chap. 1, which made it treason to affirm (during the Queen's life) that her Majesty had not a right to the Crown. And by a subsequent law, the 6th Anne, chap. 7. sec. 1. the acknowledgment of the Pretender's right, by printing or writing, is made treason; and by preaching, teaching, or advised speaking, the person incurred the penalty of a premunire, attended with forfeiture of all his goods, and was subjected to imprisonment.

Mr. Fox arraigns Ralph for unjustly accusing Burnet of inaccuracy, when in truth that fault was justly imputable to both these authors; but the latter has the most to answer for. Burnet calls it a "Bill "for declaring Treasons;" Ralph says there was no such bill. Not finding the title in the Journals, nor

* See Mr. Justice Blackstone's Exposition of this, 5th edition, Oxford, 1773, p. 81.

† Lord Coke's Institutes, part 3, p. 4 to 8.

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any such act among the statutes, nor a syllable in the debates about it, it is not very surprising he should fall into the mistake he did. The bill was ordered to be brought into the House of Commons, on the delivery of the King's message respecting the Duke of Monmouth's landing*; and was intituled, as in Mr. Fox's Appendix, "a Bill for the preservation of the Person "and Government of his Gracious Majesty King "James the Second." On the main point, however, Ralph was correct in asserting that if any clause to the effect stated was offered, it was by way of supplement to the bill; because both the clauses objected to by Mr. Fox were certainly added to the bill, after it was in the House of Commons. He says, on the authority of the Bishop, it was warmly opposed by Serjeant Maynard; which may be true, but no trace of a discussion upon it can anywhere be found: and the Serjeant was the member first named to bring in the clause, "that none shall move, in either House of "Parliament, for alteration of the succession of the "Crown in the right line†;" which was adopted by the House, with a provision to make the offence treason ‡.

Mr. Fox has not told us for which of our modern statutes this bill was used as a model; and it will be

* Journals of the House of Commons, Vol. ix. p. 735. Altered afterwards to "An Act for the better Preservation of his Majestye's Person "and Government."

† Ibid. p. 750. ‡ Ibid. p. 751, *a*.

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difficult for any one to shew such an instance. It is not necessary, therefore, to enter here on a consideration whether, in any late acts of Parliament, the provisions therein went beyond the necessity of the case; which were intended solely against persons who were attempting to overturn the constitution of Great Britain, and to let loose on this land, which has happily escaped them, all the horrors of the French Revolution.

SECTION THE FIFTH.

CONTENTS.

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MR. Fox's third chapter, to which the two others appear rather as an introduction, is taken up entirely with his account of the enterprizes of the Duke of Monmouth and the Earl of Argyle; in his eulogiums on both of whom he exerts his utmost eloquence. It is this section of his book, as observed in the introduction, that gave occasion to the present publication: but here little opportunity will be afforded for the exercise of industry; because in the narrative of Sir Patrick Hume, comprising every thing material that passed relative to the expedition to Scotland, will be found a complete justification of him from the charges unjustly made against him for faction, cowardice, and treachery, to which Mr. Fox has given currency.

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Injustice of the charges against Sir Patrick Hume.

Sir Patrick Hume and Sir John Cochrane (for the censure applies equally to both) are first accused of having deserted the Earl*; afterwards with being "his "greatest enemies, both to betray and to destroy him; "and finally, with being the greatest cause of his rout, "and of his being taken; though not designedly, but "by ignorance, cowardice, and faction †." The improbability of such conduct having been pursued by a man, who was represented by all his cotemporaries to possess the most amiable and valuable qualities, should have obtained for him the protection of a candid inquiry. His courage, as well as his fortitude, and patience under sufferings ‡, underwent the severest discipline; for moral conduct in all relations of life, and the strictest attention to all the duties of religion, as well as for the sweetness of his disposition, he was most exemplary; and his patriotism had been proved under repeated and hard trials.

The narrative, addressed to his wife, which has been laid by for much more than a century, would not now

* Mr. Fox's Historical Work, p. 193. † Ibid. p. 197, 198.

‡ The account of his concealment under the church at Polwarth, after the execution of Lord Russel and Sydney, and of the privations of himself and family in Holland, till he returned to this country with King William, is given with so much simplicity, as well as apparent truth, by Lady Murray, and reflects so much credit on the writer for her innocence and affectionate attachment to her grandfather, that the inserting it in the Appendix could not be resisted.

have met the public eye, but to protect his memory from the heavy accusation already alluded to, adopted in a work, the name of the author of which ensured its being universally read: from whom, it may safely be said, it should not have received countenance, without the most plain and positive authority. Some regard for such a character might reasonably have been looked for, in any case, from his fairness and candour; especially on the ground already stated, of his declared determination to scrutinize with care every fact to which he should allude. In this instance we had a peculiar right to expect his adherence to that resolution; because "the inquiries concerning the seizure "and execution of the Earl of Argyle" are selected by his noble editor, "as an example of cautious and "guarded exactness:" in reading the narrative of which, Lord Holland says, "the advantages derived "by Mr. Fox, from the circumstantial minuteness of "his materials, will not be found less striking than his "diligence in procuring and analyzing them *:" It is however acknowledged, he did not find even the MS. to which he refers †: the cruel imputation, therefore, to which currency is thus given, against this most respectable man, whose public virtue is admitted in unqualified terms, rests solely on the authority of an

* Introduction to Mr. Fox's Historical Work, p. 23.

† Historical Work, p. 208. 214.

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author, high in his esteem, but altogether unsupported. If Mr. Fox had found leisure for the investigation, to which we must believe he was disposed, we should not have had reason to lament the little advantage derived to the public from his eagerness to trace all information to its original source; of which, it must be acknowledged, there are few symptoms in the whole work, except some additional letters to and from Barillon, in the year 1685, which throw no new light on any one interesting transaction: and yet there are undoubtedly many valuable papers, well worthy of the curiosity of the public, which would have considerably elucidated the history of his short period, that have not been published, and have been seen probably by very few except those in whose possession they are. To have acquired a title to superior correctness for his work, Mr. Fox should have used his best endeavour to have had access to these, and explored every source of information not yet given to the world; or at least to have carefully examined and compared every thing already printed, respecting the subjects on which he wrote.

Of some important documents left by the Lord Treasurer, notice has been already taken: not less curious papers were, a few years ago, in the possession of a descendant of another member of the ministry

called the Cabal*: to none of which is there any allusion; nor indeed, as already observed, even to authorities accessible to every one.

What endeavours were used by Mr. Fox to inspect the papers of the family of Argyle is not particularly stated; but there is no appearance of his having either seen those, or any belonging to the Cochrane family: and the presumption is strong, that he obtained no information from either. It is certain no inquiry was made respecting the Marchmont papers. If there had, no political differences of opinion would have prevented the author of these sheets, in whose possession they are, from putting into Mr. Fox's hands copies of such as would have been likely to be useful in an historical work; least of all, such as would have had a tendency to shew the character of the man ennobled and raised to great dignities by the deliverer of this country, in the amiable and respectable light to which it is well entitled. The narrative now made public, it will be seen, ends with the defeat of himself and the few friends with him at the Muir Dyke.

In the determination taken by the parties, who met in Holland, to invade the different parts of this island, there was probably a mixed consideration for the public and for themselves; which was perfectly natural, considering the oppression they had suffered

* The late Earl of Shaftesbury, which were then seen by the author.

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as individuals, and the tyranny they were very sure, from experience of James's former conduct, would be inflicted on their country. They were apparently induced to the immediate adoption of it, by a persuasion that the oppressive conduct of James, while Duke of York, and his known bigotry, would bring multitudes to their standard, as soon as it should be raised; and that they should be joined by other persons of consideration; for they could not have proceeded on any good information of the state of the country, and of the minds of the people on the accession of James, whose former proceedings seem to have been forgotten for a time; and it is quite clear from what followed that if they had waited only a few months, till he had developed the whole of his character, on which he had put some restraint during his brother's life, his headstrong conduct would have afforded them a much fairer prospect of success.

The numbers and rank of the individuals who first engaged were inconsiderable. Those who met on the 17th of April at Amsterdam did not exceed twelve in number*; and, except the Earl of Argyle, the only persons above the rank of private gentlemen were Sir John Cochrane and Sir Patrick Hume. The undertaking was intended by them, in the terms of their association, "in the defence and for the recovery

* See page 34 of Sir Patrick Hume's Narrative.

" of the religion, rights, and liberties of the kingdom " of Scotland." And they resolved " to make war " against James Duke of York and Albany, and such " as shall adhere to him; and for the command of the " army they shall be able to gather together, they " unanimously appoint Archibald Earl of Argyle to " the office of Captain General *."

With respect to all that happened after this, the narrative will be found very full; the author of which gave early proofs how regardless he was of his own liberty and fortune, when contending in the public cause: he must, therefore, be a severe judge of the actions of men, who would impute to him an unworthy motive for embarking in the undertaking. During the oppressions of the High Commission Court, illegally created in Scotland in 1665, at that time representative in Parliament for the shire of Berwick, (his native county,) he was imprisoned without cause assigned, and remained in close confinement for some years. In the beginning of September, 1675, he was again imprisoned by the Council, for having supported a refusal of the contributions arbitrarily levied on the country for the support of the garrisons in the shires, and for setting up a defence for his conduct in the

* Crookshank's History of the Church of Scotland, Vol. ii. chap. 13. p. 369.

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courts of law: of which imprisonment, in the end of that month, his Majesty approved; "Polwarth being "a factious person, and having done what may usher "in confusion; requiring the Council, therefore, to "declare him incapable of all public trust, and to "send him close prisoner to Stirling Castle, till further "orders *." He was first confined in the Tolbooth at Edinburgh, from whence he was removed to the castle of Dumbarton: and in February, 1679, a letter was received by the Council, ordering Sir Patrick Hume to be sent under a strong guard from that castle to Stirling; from whence he was liberated, by a letter from the King, in July following;—reciting that he had been imprisoned "for reasons known to his "Majesty, and tending to secure the public peace; "and now the occasion of suspicion and public "jealousy being over, he is ordered to be liberated †."

* Records of the Council.

† Ibid. And in a letter from the Earl to Mr. Baillie of Jarviswood, of March 16th, 1716-17, he says, "If I remember right, my Lady Orkney "is either daughter or sister to the Earl of Jersey, and by the mother is "come of the Earl of Suffolk's family; and if so, is a descendant from "George Hume Earl of Dunbar, whose daughter the family of Suffolk "is come of; and my great grandmother was a sister of his father: so "my grandfather Sir Patrick and the Earl of Dunbar were cousin "germans. It was upon that relation that my Lady Northumberland, a "sister of Suffolk, concerned herself so earnestly, and prevailed with "King Charles the Second for my enlargement, after long imprisonment "upon frivolous pretences against me; for appearances which I made for

The narrative carries us on to the separation of Sir Patrick Hume and others from the Earl of Argyle; from which time, till the Earl's final defeat, nothing occurs in which there can be a ground for differing from Mr. Fox: and it would not be thought worth while to make any remark on Mr. Fox's observation respecting what passed on the taking of Argyle, except on the ground already noticed, that the whole of this case was selected by his noble editor to prove his industry in investigating facts. Mr. Fox tells us, "that he takes no notice of the story, by which the "Earl is made to exclaim "unfortunate Argyle!" "and thus to discover himself: besides that there is "no authority for it, it has not the air of a real fact, "but rather resembles a clumsy contrivance in some "play *." That fact is, however, distinctly stated in a paper printed at Edinburgh †, immediately on the Earl being taken: but although that might happen not to be known to Mr. Fox, it might have occurred to him to look into the Gazettes of the time, where he would have found precisely the same statement ‡.

"preventing a Papist succeeding to the Crown, as generally all consi-
"derate persons construed it. Let me know if that Lady Northumberland
"be still alive. I waited upon her at Sion House, when King William
"lodged a night there."

* Mr. Fox's Historical Work, p. 195.

† In the possession of the author.

‡ London Gazette, No. 2045, June 22d to 25th, 1685.

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Some weight is given by Mr. Fox to the Earl's silence respecting the anecdote, in his own narrative of the transaction; but it is surely not extraordinary that, in giving the account of his being taken, he should not think it worth while to mention such an exclamation *. No man, it is believed, could place himself in the situation of the Earl, and suppose him repeating this soliloquy in a narrative of the transactions at a future period.

The indignation expressed by Mr. Fox at the cruel and unmanly treatment of Argyle, after he was taken, is perfectly just and natural. No offence he could have committed could justify his having been led bare-headed, with his hands tied behind his back, when he entered Edinburgh, preceded by the common hangman; and carried circuitously to the castle, that he might be the more exposed to the insults of the vulgar †. And the commendations are equally just, which are bestowed on the equanimity with which he bore those indignities, so disgraceful to the author of them:—in the whole of which there is a remarkable coincidence with what occurred in the case of the

* Mr. Laing says, in crossing the Caill at Inchcarnen he was attacked and wounded by five others, and in falling exclaimed, "unfortunate "Argyle!"

† Mr. Fox's Historical Work, p. 195.

Marquis of Montrose, whose courage, Mr. Fox says, "was more turbulent; that of Argyle more calm and "sedate *."

This is the only mention made of that distinguished nobleman in the work before us, although he lived in the period of Mr. Fox's introductory chapter. Mr. Hume, who charges him with letting loose the whole rage of war on Argyle's country, (occasioned, it is believed, by the ungovernable conduct of his Irish and Highland soldiers,) says of him, "Thus perished, in the "thirty-eighth year of his age, the gallant Marquis of "Montrose; the man whose military genius both by "valour and conduct had shone forth beyond any, "which during the civil disorders had appeared in the "three kingdoms. The finer arts, too, in his youth "he had successfully cultivated; and whatever was "sublime, elegant, or noble, touched his great soul. "Nor was he insensible to the pleasures either of "society or of love. Something, however, of the vast "and unbounded characterized all his actions and "deportment: and it was merely by an heroic act of "duty that he brought his mind, impatient of su-"periority, and even of equality, to pay such an "unlimited submission to the will of his Sovereign." The character given of him by Clarendon (who could

* Mr. Fox's Historical Work, p. 204.

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not forgive him for having taken the first covenant) is certainly more admirable than amiable; but Wishart and other cotemporary writers speak of him in the highest terms of praise.

These two great men were alike in their sufferings. Argyle was put to death without a trial, as his execution took place under a sentence obtained against him many years before by most scandalous and unjustifiable practices: Montrose was condemned before he even reached Edinburgh; and he never saw his Judges, till he was brought before them to hear his sentence pronounced. Montrose, too, was made a spectacle of, when he was taken. The account given by Carte is, "that he was put into a cart, in which a chair was "contrived for him to sit on, tied with cords, and "bareheaded; the hangman with his bonnet on "riding before him, and driving the cart quite through "the great street and the public places of the city, "though there was a much nearer way to the prison. "This was done to shew him a sight to the people, "and expose him to their indignities: but when they "observed the serenity and cheerfulness of his coun-"tenance; the courtesy, temper, and magnanimity, "that he shewed under his misfortunes, it had a con-"trary effect; and the cart stopping some time before "the Earl of Murray's house, where, with a meanness

" of spirit scarce to be paralleled, Argyle and the " chief of his faction had placed themselves in the " windows and balcony, to feast their eyes with the " sight of a man whom they durst not look in the face, " while he had a sword in hand, and with a spectacle " that gave horror to all good men, his looks and " firmness put even those shameless mortals out of " countenance *."

Of the latter part of this account the truth is at least extremely questionable, as there is no trace of the authority from which it is taken: all the other particulars are confirmed by the weekly paper then published by authority †. How far the Marquis of Argyle, who had then great weight in the opposite faction, had it in his power to prevent those indignities, and the cruelty of the punishment that followed, is not necessary here to be inquired into. His authority was certainly great; for he was the man who, six months afterwards, was appointed by the Estates of Parliament at Edinburgh to place the Crown of Scotland on the head of Charles, under whose commission Montrose acted, and for whose cause he bled. In a paper printed at the time by authority at Edinburgh ‡,

* Carte, Vol. iv. p. 629.

† In the possession of the author No. 25, from Monday May 7th to Monday June 3d, 1650.

‡ In the possession of the author.

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giving an account of Charles's coronation, January 1st; 1650, there is the following passage: "At which time "the Crown was held before the King, three ministers "of the assembly being present; then the King "turned himself to be seen of the people, who cried "with a great noise, God save King Charles the "Second! and then he had the Crown put upon his "head by the Marquis of Argyle, and he took the "sceptre in his hand, and the sword he gave to a Lord "of Scotland to bear it before him."

A very strong proof of the opinion the Marquis had of his own influence and authority in Scotland at the period, is furnished by Lord Dartmouth, in one of his MS. notes on Burnet's History. "When the King "came to Scotland, the Marquis of Argyle made "great professions of duty to him; but said, he would "not serve him as he desired, unless he gave some "undeniable proof of a fixed resolution to support the "Presbyterian party, which he thought would be best "done by marrying into some family of quality, that "was known to be entirely attached to that interest; "which would in great measure take off the prejudices "both kingdoms had to him, upon his mother's "account, who was extremely odious to all good "Protestants: and thought his own daughter would "be the properest match for him, not without some "threats if he did not accept the offer; which the

" King told Colonel Legge, who was the only person " about him that he could trust with the secret *. " The Colonel said, it was plain the Marquis looked " upon his Majesty to be absolutely in his power, or " he durst not have made such a proposal; therefore, " it would be necessary to gain time, till he could get " out of his hands, by telling him he could come to no " conclusion, in an affair of that nature, before he had " acquainted the Queen his mother, who was always " known to have a very particular esteem for the " Marquis and his family, but would never forgive " such an omission." But that was an answer far from " satisfying the Marquis, who suspected Colonel Legge " had been the adviser, and committed him the next " day to the castle of Edinburgh; where he continued " till the King made his escape from St. Johnstoun, " upon which he was released: the Marquis finding it " necessary to give the King more satisfaction than he " had done before that time †."

* If credit is to be given to Voltaire, the spirit of Charles was so broken two years afterwards, suffering under the severest privations in 1652, as to induce him to propose to Cardinal Mazarin to marry one of his nieces, which was rejected by the Cardinal; but who, three years afterwards, would have encouraged it, when difficulties were opposed to it by the Queen Dowager.

† Lord Dartmouth's manuscript note on Burnet's History, Vol. i. p. 57, 17th line from bottom.

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This conduct of the Marquis, even if the account of it were entitled to the highest degree of credit, would not afford the slightest possible justification for the cruelties and indignities offered to his son: but when it is considered to what a height the passions and resentments of men of both parties were worked up by revenge and enthusiasm at that period, we shall be the less surprised at what was inflicted on the Earl of Argyle, than if we had not adverted to what had happened to the Marquis of Montrose, and to the power of Argyle's father at the time.

In the warrant for the Earl's execution, the words, "*that you take all ways* to know from him those "things which concern our government most," induced Mr. Fox to believe it was intended to apply torture, to extort a declaration from him of who his secret accomplices were; but it certainly was not applied *. It is true, however, that torture had been in common use in Scotland, in the period treated of: for, besides the particular instances mentioned by the

* Mr. Fox's Historical Work, p. 205, and 206. A few pages before (199) it is stated, he is told he is to be put to the torture; for which, however, no authority is quoted: but credit is given him, that on the communication he neither breaks out into any high-sounding bravado, any premature vaunts of the resolution with which he will endure it; nor, on the other hand, into passionate exclamations on the cruelty of his enemies.

historians, Mr. Hume, in his Commentaries on the Law of Scotland, concludes one of his chapters with the following observations: "It was chiefly about that "period, and in support of the measures of the "King's ministers against the deluded Covenanters,— "measures equally violent and impolitic,—that our "practice came to be stained with the more frequent "use of this unjust and barbarous engine, for the dis- "covery of transgressions: and to so great a length was "the *inquiry* carried in those days, that confessions "obtained in this way were made use of as an evi- "dence *in modum adminiculi*, towards the conviction "even of third parties: the confession of William "Carstairs, for instance, against Baillie of Jervis- "wood *." Two cases of the sort occur so late as in the reign of William the Third; but in both of these the directions for applying the torture are express and positive. The first warrant is signed by the members of the Council, among whom is the son of this Earl of Argyle; the other is signed by the King, containing this clause: "And particularly we do require you to "examine Neville Penn strictly; in case he prove "obstinate or disingenuous, you proceed against him "to torture with all the rigour that the law allows in "such cases †." After the entry of which order follows the proceeding, shewing "that the prisoner

* Hume's Commentaries, Vol. ii. chap. 12. p. 117 to 119.

† Records of the Scotch Privy Council, December 10th, 1690.

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"was put to the torture of the thumbickens;" and, "being examined upon several interrogatories, answered to the whole negative *:" after which he was ordered to be kept a close prisoner.

It is evident, therefore, that Scotland did not derive from the Revolution such an amelioration of its laws as might have been expected. The Committee of Estates, at that period, went no farther than to complain of torture as unlawful, when used without evidence, or in the case of ordinary crimes; and it was not till after the Union that it was forbidden by law †.

That such means of extorting confession should, in early times, have been used in countries where the law was analogous to the civil law, by which torture is permitted, is not very wonderful; but it appears extraordinary that the practice should have been continued in Scotland for a century after the union of the two Crowns, considering the abhorrence in which it was always held in England. So early in our history as the reign of Alfred, it is recorded that he punished one of his Judges with death, for passing

* His name was Neville Payne, supposed to be a spy on both sides. It was to him that George Duke of Buckingham addressed his Essay upon Reason and Religion. Walpole's Royal and Noble Authors, Vol. ii. p. 80. The warrant and the proceedings will be found in the Appendix.

† Stat. 7th Anne, chap. 21.

sentence, on a confession extorted by torture before the coroner *. To the law of England it has been declared by the highest authority to be utterly unknown. The only attempt to exercise it here to be met with (except when a design was laid to introduce the civil law in the reign of Henry the Sixth) was a proposition made in Council by Laud, then Bishop of London, to have Felton "put to the rack," for the murder of the Duke of Buckingham: but the King being present, he desired "the advice of the Judges might be had "therein, before any thing should be done, whether it "be legal or no;" and the answer of the Judges thereto was, every one assenting, "that the prisoner "ought not by the law to be tortured by the rack; for "no such punishment is known or allowed by our "law †." And, when after sentence of death was passed on that wild enthusiast for the horrid crime of which he had been convicted, he voluntarily tendered the hand to be cut off with which it had been committed, the Court refused to inflict that further punishment upon him: in which refusal the Judges persisted, notwithstanding the King sending to desire the amputation might take place before execution ‡.

* In the eagerness of this Monarch to ensure a due administration of the law, many Justices were hanged in one year as homicides, for their false judgments. Lord Coke, 3d Institute, 224.

† Rushworth's Collection, Vol. i. p. 638. ‡ Ibid. p. 640.

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On the whole, upon the most attentive consideration of every thing that has been written on the subject, there does not appear to have been any intention of applying torture in the case of the Earl of Argyle.

In this part of the suffering, the Marquis of Montrose did not escape quite so well: for although there was no order to inflict torture upon him in the regular way, his sentence was so drawn as to subject him to it; and it was so executed. His sentence was, "that he "should be brought to the place of execution by two "of the clock, and there hanged upon a gibbet of six "ells and a half high; the gibbet to be with a pulley, "and a scaffold made about it: and being brought to "the place, he was to be haltered by the hangman, "and so pulled up by the neck to the top of the "scaffold; and then not hang him thoroughly, to see "whether he would confess any thing or no: and in "close of all, the scaffold with a device is to be taken "asunder, and so let him hang, and pull him up to the "head of the gibbet, and so to be let down by degrees, "and give a jerk now and then: and being quite "dead, he was to be tied up for three hours, and then "his head to be severed, &c." The further account given is, "all the time the sentence was giving, and "also when he was executed, he seemed to be no way "altered, or his spirit moved; but his speech was full

" of composure, and his carriage sweet*." Carte says, " the sentence was executed in every part and " circumstance, with all the inhumanity imaginable; " and he bore it with all the courage and magnanimity " of an hero, and with the greatest piety that a good " Christian could manifest†."

We tread with reverence on the ashes of the dead: it might otherwise not be difficult to shew that Argyle was not altogether the hero which Mr. Fox's partiality has made him. His amiable disposition in private life, his gentleness and equanimity, we are perfectly disposed to allow; but his talents do not appear to have been of that commanding kind, which fitted him to conduct an enterprize so important and so hazardous as that in which he was engaged. His bravery was not always guided by discretion: that decision, which is so essential a quality in the leader of a great enterprize, yielded in him rather to the changes of his own opinion than to that deference to the opinions of others, which conciliates a man's associates in public undertakings. The smallness of the party which he was able to attach to his fortunes, in addition to those who embarked with him in Holland, marks of itself

* Account licensed by the secretary of the army under his Excellency the Lord Fairfax, in the possession of the author.

† Carte, Vol. iv. p. 630.

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the distrust of his ability to conduct them; and from his landing in Orkney to his final discomfiture, his measures seem to have been adopted without any plan to ensure their success, or to extricate himself and his followers, if misfortune should attend them. The heroism of his death may, however, excuse Mr. Fox for the warmth of his panegyric; yet, in the short comparison which he has introduced between Argyle and Montrose, he has resisted the same feeling towards the latter nobleman, whose death was not less heroic, and whose atchievements were much more brilliant than those of the former. If the chivalry of Montrose had not been kindled by his attachment to his King, as the zeal of Argyle was inflamed by his indignation at the abuses of monarchical power, it must have given Mr. Fox an opportunity for such eulogium as historians, even adverse to the Royal cause, have allowed to that gallant royalist.

There remain two other incidents, connected with what passed respecting Argyle in his last hours, taken notice of by Mr. Fox; of which, after the most diligent search, no trace has been met with, either in a great variety of MSS. which have been carefully examined; or in the numerous tracts published at the time; or in cotemporary historians, except Burnet, (quoted by Mr. Fox,) for the first, and Woodrow for the latter.

If Argyle had given to Mr. Charteris the caution stated by the Bishop, "not to try to convince him of "the unlawfulness of the attempt, concerning which "his opinion was settled, and his mind made up*;" the anecdote would surely have been stated in some of the publications at the time, either by his friends or his enemies: by the former, to give an opportunity of exulting in the Earl's perseverance in what they thought a right cause; or by the latter, as a proof of his obstinacy in guilt, and as a justification for not shewing him mercy. There is, among the publications alluded to, "an authenticated narrative" of what passed between the Earl and Mr. Charteris; but not a syllable in it of the caution from the former to the latter.

Nor has a trace been found any where of an allusion to the other incident of one of the members of the Council, on finding the Earl in a sweet sleep a few hours before his execution, going away in great agitation†. It must be confessed that this anecdote savours rather more of the pen of a tragedian than the authenticated one, ridiculed by Mr. Fox, of Argyle's exclamation in falling.

On relating this anecdote, Mr. Fox admits that as the name of the Counsellor is not mentioned, "the

* Mr. Fox's Historical Work, p. 200.

† Ibid. p. 207.

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"truth of it may fairly be considered as liable to "that degree of doubt, with which men of judg- "ment receive every species of traditional history;" especially when they are such as the best affections of the mind are gratified in relating, and willing to believe. The absence of all evidence whatever of so interesting an incident, except the statement of Woodrow, who says he had it from an unquestionable authority, without referring to whom, certainly affords a strong ground for doubt*. Woodrow was a respectable man, but a zealous partizan; and we find, from daily experience, that when an author is desirous of believing a fact himself, he will give credit to an authority which on another occasion he would not rely on. In this instance, the circumstances of the case appear to render the story extremely improbable. It is easy to imagine a person being strongly affected at seeing an amiable man, possessed of great public and private virtue, in a tranquil slumber just before he is going to suffer a punishment, which the witness of his heroism conceives to be just; but it is not so easy to imagine what self-condemnation could have created so violent an agitation in the mind of the spectator here, as is described by Woodrow, and which has given

* In many of the tracts published at the time, as well as in the State Trials, mention is made of Argyle sleeping quietly after his dinner, and just before his execution; but no allusion to a Counsellor looking in upon him, as far as the author's research has gone.

occasion for such an exertion of Mr. Fox's eloquence. "What a satisfactory spectacle to a philosophical "mind, to see the oppressor in the zenith of his power "envying his victim! What an affecting and forcible "testimony to the value of that peace of mind which "innocence alone can confer! We know not who "this man was; but when we reflect that the guilt "which agonized him was probably incurred for the "sake of some vain title, &c. our disgust is turned into "something like compassion *." All this would have been very natural in the case of a tyrant, who, by the exercise of his power, was about to put an innocent man to death; but here the person supposed to have been violently agitated was a member of the Council, acquiescing in the command of the King for the execution of an eminent leader, who (putting out of the question the sentence unjustly obtained against him, under which he was to suffer) was taken in open rebellion against his lawful Sovereign, and of whose guilt no human being entertained the slightest doubt.

If we suppose this Counsellor to have weighed exactly all the atrocious circumstances of Argyle's conviction in 1682, and to have felt that disgust which would naturally be attendant thereupon; still the execution of a man, notoriously guilty of high treason,

* Mr. Fox's Historical Work, p. 208.

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would not be likely to have excited exactly the same sensation as the murder of an innocent man *.

This view of the subject we cannot entirely put out of our consideration, however the motives of those who were actors in the enterprize may be approved of, but which Mr. Fox's zeal seems to have made him disregard entirely; for, in describing the situation of Argyle, when it was becoming desperate, he calls the

* In a collection of State Tracts, privately printed in the reign of Charles the Second, and published after the Revolution, in the possession of the author, there is an account of all the proceedings in the trial of Argyle in 1682, in which are the following passages: "It was by some remarked, "that when the Lords of Justiciary, after the ending of the first day's "debate, resolved that same night to give judgment upon it, they sent "for the Lord Nairn, one of their number, an old and infirm man, who, "being also a Lord of the Session, is so decayed through age, that he "hath not for a considerable time been allowed to take his turn in the "Outer House (as they call it), where they judge lesser causes alone: "but, notwithstanding both his age and infirmity, and that he was gone "to bed, he was raised, and brought to the Court to consider a debate, "a great deal whereof he had not heard, in full Court; and with all as "is informed, while the clerk was reading some of it, fell of new asleep. "It was also remarked that the Lords of Justiciary, being in all five, viz. "the Lords Nairn, Collintoun, Newtown, Kirkhouse, and Ferret, the "libel was found relevant only by the odds of three to two, viz. the "Lord Nairn aforesaid, and the Lord Newtown, since made President "of the Session, and the Lord Ferret, both well enough known; against "the Lord Collintoun, a very ingenious gentleman and true old cavalier, "and the Lord Kirkhouse, a learned and upright Judge. As for the "Lord Justice General, who was also present and presided, his vote, "according to the constitution of the Court, was not asked." Volume of Tracts, p. 209.

regular soldiers and militia pursuing the persons so in arms against the King "authorized assassins * !"

To what a state must that country be reduced, when every soldier who takes up a musquet in defence of a legitimate Prince shall be considered as an assassin, if that Prince shall in any instance have exceeded the just limits of his prerogative! In every civil war, the vanquished must necessarily undergo unmerited sufferings, if that epithet may be applied to punishments justified by the necessity of the case, not by the guilt of the sufferer. In this situation of things, there is a guilt against the existing government, though the creed and the conscience of the sufferer may pronounce his actions not only innocent but meritorious. Rebellion is generally justice and patriotism in the belief of the rebel; it is the business of history to examine its title to those attributes: but in such examination, impartial history is not to forget the probable motives or feelings of that party, with whose political opinions those of the author do not accord. This part of an historian's duty Mr. Fox seems to have overlooked. He is the accuser rather than the judge of every man attached to the government of the time. It should, however, be recollected, that of those men many were the patriots of a future period, when the full measure of the Monarch's tyrannical usurpation

* Mr. Fox's Historical Work, p. 188.

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made resistance a duty paramount to every consideration of personal or public danger.

Whatever James's conduct might have been as Duke of York, he had, at the time of Argyle's invasion, done no one act in the least degree blameable, except that of levying his brother's revenue by his own authority; which the Parliament on its meeting, as we have already noticed, was so far from resenting, that they passed the grant of it, from the death of Charles, with unanimity.

Before entering on the subject of the Duke of Monmouth's invasion, we have again occasion to lament the want of materials on the part of Mr. Fox; as a paper obtained from the Buccleugh family, which will be found in the Appendix, contains some information of what passed in the few last days of this unfortunate man. This omission is the more remarkable, as the descendants of the Duke of Monmouth might have easily occurred as likely to have some documents in their possession respecting him.

What the views of Monmouth were, previous to his embarkation, it is very difficult to ascertain. Mr. Fox says, " It is not rashly to be believed that he, who has " never been accused of hardened wickedness, could " have been upon such terms with, and so have

" behaved to, persons whom he purposed to disappoint " in their dearest and best-grounded hopes, and to " defraud of their inheritance." That he had any such deliberate intention, while he was in Holland, is not in the least probable. On that part of the subject considerable light is thrown by Sir Patrick Hume's Narrative. It will be seen that to him and others he disclaimed it: at first, conditionally; but on being pressed for a clear answer, that might be repeated, he gave satisfactory assurances to Sir Patrick, and the others who attended him; telling them, however, at the same time, he considered himself as the lawful son of King Charles, and that he had lately been able to prove the marriage*. From what passed at the meetings between the Duke and the Scotch gentlemen, there is some appearance of an intention eventually to claim the Crown not having been entirely out of the mind of Monmouth, till he found there was a danger of their splitting upon that point; and it was perhaps owing to the persuasion he had of his legitimacy, and to the suggestion thrown out to Sir Patrick of the

* It is extremely difficult to account for this, because Charles the Second, on being dissatisfied with the conduct of the Duke of Monmouth, in 1678, made a solemn declaration in Council, which by his order was enrolled in Chancery, that he never was married, nor gave any contract to any woman whatever, but to his wife Queen Catherine; a copy of which enrollment will be found in the Appendix. See the note at the bottom of p. 13 of Sir Patrick Hume's Narrative; referring to letters of the Princess of Orange to Charles the Second, in which she mentions his wife, during his exile.

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possibility of his declaring himself King, giving furtherance to the general cause, that he allowed himself to be prevailed with to adopt that measure, within a few days after his landing in England. In the paper in the Appendix *, Monmouth is made to declare to James, in his interview with him, that he had no predetermined intention to assume the royal authority; and to ascribe his having done so to Ferguson, as Mr. Fox does †.

While Monmouth was at the Hague, immediately before the death of Charles, he was treated with very marked attention and kindness by the Prince and Princess of Orange; respecting which D'Avaux, who could have no motive for misstating facts in this instance to his own Court, mentions circumstances not easily to be mistaken. On the 9th of January, 1685, he writes to Lewis the Fourteenth: "Le Prince "d'Orange ne se donna pas le loisir d'attendre le "succès de la négociation du sieur Citters pour faire "venir à la Haye le Duc de Monmouth; aussi parois-"soit-il n'avoir donné ces instructions a ce ministre "que par maniere d'acquit, pour satisfaire aux re-"montrances de Milord Halifax. Il a donc prié "Monsieur de Monmouth de venir faire un tour à "la Haye: Monsieur de Monmouth y arriva Samedi "à huit heures du soir, comme il étoit attendu.

* Page [lxvi]. † Mr. Fox's Historical Work, p. 262.

" Benting ne manqua pas de l'aller trouver à l'hôtel-
" lerie, et l'emmena chez le Prince d'Orange qui le
" reçut avec de grandes démonstrations de joie. Le
" Duc de Monmouth monta quelque tems après dans
" l'appartement de la Princesse d'Orange. Cette Prin-
" cesse ne vouloit point recevoir de visite parcequ'il
" n'y avois pas une dame de la Haye qui fût venue
" chez elle, à cause que c'étoit la Veille de la Cêne,
" et qu'elle étoit déja à demi deshabillée, mais le
" Prince d'Orange l'obligea de s'habiller, et d'aller
" dans sa chambre d'audience pour y recevoir Mon-
" sieur de Monmouth; il monta lui-même incontinent
" après, et le pria de vouloir bien loger dans l'hôtel du
" Prince Maurice, et lui offrit tous ses domestiques
" pour l'y servir. On ne peut assez s'étonner ici de
" cette nouvelle démarche du Prince d'Orange; et on
" ne comprend point comment, dans le même tems
" qu'il fait assûrer le Roi d'Angleterre qu'il a aban-
" donné Monsieur de Monmouth, il le fait venir à la
" Haye, et lui fait tant de caresses."

On the 11th of January: " Le Prince d'Orange
" continuoit toûjours d'accabler le Duc de Monmouth
" de caresses, et lui qui est flegmatique, et qui n'aime
" aucun divertissement, encore moins celui de la
" danse, passoit néantmoins quelque fois une partie
" de la nuit à danser avec les filles de la Princesse
" d'Orange, et avec le Duc de Monmouth. Monsieur
" Benting, et d'autres amis du Prince d'Orange, disoient

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" hautement, que le Prince ne faisoit aucune dé-
" marche à l'égard de Monsieur de Monmouth, que
" du consentement du Roi de la Grande Bretagne; et
" assûroient que dans le voyage que Monsieur de
" Monmouth avoit fait en Angleterre, il avoit vû en
" particulier sa Majesté Britannique."

On the 18th of January: " Le Prince d'Orange ne
" savoit quelles caresses faire au Duc de Monmouth;
" il y avoit bien souvent de nouveaux bals et de
" nouvelles parties entr'eux: quatre ou cinq jours
" auparavant, ils avoient été en traîneau sur la glace,
" avec la Princesse d'Orange, à une Maison du Prince,
" qui est à trois lieus de la Haye; et lorsque l'on
" dansoit, c'étoit le Duc de Monmouth qui menoit la
" Princesse d'Orange. Il alloit réglement tous les jours
" au dîner de cette Princesse, bien qu'elle mangeât
" seule et en particulier; et ensuite il alloit dîner avec
" le Prince d'Orange. On remarqua même que cette
" Princesse, qui ne se promenoit jamais à pié dans les
" lieux publics, alloit presque tous les jours dans le
" mail, qui est dans un bois très agréable, aux portes
" de la Haye, et que Monsieur de Monmouth s'y
" trouvoit fort régulierement; et on ne comprenoit
" pas comment le Prince d'Orange, qui est né le plus
" jaloux de tous les hommes, souffroit tous les airs de
" galanterie, dont tout le monde s'appercevoit, entre
" la Princesse d'Orange et Monsieur de Monmouth.
" On n'étoit pas moins attentif à découvrir ce que le

" Roi d'Angleterre pensoit de la conduite du Prince " d'Orange; et le public suspendoit son jugement, " jusqu'à ce qu'il sut les sentimens de sa Majesté " Britannique."

On the 25th of January: " Il y avoit tant d'affec- " tations dans les bons traitements que le Prince " d'Orange faisoit au Duc de Monmouth, qu'il sem- " bloit chercher avec plaisir à insulter au Roi d'Angle- " terre. Il lui donnoit la même liberté qu'à Benting, " d'entrer à tous momens dans sa chambre; il ne " faisoit gueres de graces qu'à sa récommandation, et " personne ne croyoit avoir bien fait sa cour au Prince " d'Orange, s'il ne la faisoit aussi à Monsieur le Duc " de Monmouth; et toutes les personnes les plus quali- " fiées de Hollande s'empressoient, à l'envi l'un de " l'autre, à le régaler. Il sembloit même que le Prince " d'Orange eût changé d'humeur, ou qu'il eût des " desseins que l'on ne comprenoit pas; car lui, qui " est le plus jaloux du monde (jusques là qu'il ne " permet pas que la Princesse d'Orange reçoive aucune " visite particuliere, non seulement d'aucun homme, " mais aussi d'aucune femme) presse lui-même Mon- " sieur de Monmouth d'aller les après-dînées chez la " Princesse d'Orange pour lui apprendre des contre- " danses. Ils lui firent même faire des personnages " qui ne conviennent gueres à une Princesse, et que " je dirois qui seroient ridicules pour une femme or- " dinaire; car dans les grandes Gelées qu'il fit cette

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" année là, le Prince d'Orange l'obligea, par la com-
" plaisance qu'elle a pour lui, d'apprendre à aller en
" patins sur la glace, parceque Monsieur de Monmouth
" vouloit aussi apprendre à y aller. C'étoit une chose
" fort extraordinaire de voir la Princesse d'Orange
" avec des jupes fort courtes et à demi retroussées, et
" des patins de fer à ses piés, apprendre à glisser,
" tantôt sur une pié tantôt sur un autre."

On the 20th of February, on receipt of the letter from England announcing the King's death, Monsieur D'Avaux writes: " Le Prince d'Orange ne monta
" point dans la chambre de la Princesse d'Orange où
" les dames de la Haye étoient à faire leur cour; il
" l'envoya prier de descendre, et lui apprit cette
" nouvelle. Monsieur le Duc de Monmouth s'y
" trouva aussi; ensuite Monsieur de Monmouth se
" retira chez lui, et ne revint chez le Prince d'Orange
" qu'à dix heures du soir. Ils demeurerent enfermés
" eux deux tous seuls jusqu'à minuit sonné. Monsieur
" de Monmouth est parti cette nuit forte secretement,
" et pour mieux cacher son départ, il la fait dire ce
" matin jusqu'à près de midi, qu'il dormoit encore.
" Jai sû que le Prince d'Orange lui a prêté de l'argent,
" mais pas beaucoup; c'est apparemment pour les
" frais de son voyage." On the 22d, he corrects a mistake he fell into in his preceding letters: " Mon-
" sieur de Monmouth n'étoit pas parti, comme on
" l'avoit cru; ce qui donna lieu à cette nouvelle, fut

" qu'il étoit sorti de chez lui ce jour-là devant le jour, " à cinq heures du matin, et étoit allé chez Monsieur " Benting, où il fût toûjours enfermé, de sorte qu'on " ne sût qu'à six heures du soir qu'il étoit encore à la " Haye. Je le fis savoir le même jour à Monsieur de " Barillon, car la poste d'Angleterre ne part qu'à huit " heures du soir. Monsieur de Monmouth a été " depuis ce tems-là comme un homme désespéré; on " l'a entendu, dans la petite maison où il loge, faisant " de cris et des lamentations; on dit qu'il est parti " aujourd'hui entre quatre et cinq heures du matin." On the 23d: " Le Prince d'Orange, qui connoit ce qui " lui est avantageux dans ce pays-ci, ne s'est pas " contenté de faire publier ici par ses créatures qu'il " avoit reçû des lettres fort obligeantes du Roy " d'Angleterre; mais il a fait dire sous main à " quelques personnes de l'etat que Monsieur de Mon- " mouth ne s'en étoit allé que parce qu'il lui avoit " témoigné qu'il ne pouvoit plus à cette heure le laisser " à la Haye. Les envoyés d'Angleterre sont bien " persuadés du contraire, et m'ont dit eux-mêmes que " depuis la nouvelle de la mort du Roi d'Angleterre, " jusq'à hier matin qu'est parti le Duc de Monmouth, " il avoit presque toûjours été enfermé avec le Prince " d'Orange."

It appears by the life of James the Second written by himself, that, in addition to the substance of this information, which he naturally would have through the Court of France, he had been informed of the in-

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timate friendship between the Prince of Orange and Monmouth by a Monsieur Monpouleam, a companion in their convivial society; from whom he probably had further particulars. But when James communicated all he knew on the subject to Charles, it produced only an observation, "that it seemed strange how those two "should appear so good friends, and agree so well "together, as they aimed both at the same thing*." At the end of a week from the date of the last of these letters from D'Avaux to his Court, Charles was seized with a fit of apoplexy, (February 2d,) and died in a few days afterwards, when the Prince of Orange of course acted with more caution. After the accession of James, D'Avaux only mentions suspicions of secret meetings between the Prince and Monmouth†; and we hear no more from that ambassador of the habits of intimacy between the parties, on which he dwelt so much in the latter days of Charles.

The reflections of James on the subject were, that "the Prince of Orange considered him, who was the "present possessor, and the Duke of Monmouth, the "pretender to the Crown, as equally obstacles to his "aims. He, therefore, had been formerly advised by "the pensionary Fagel, that his business was to play "the one against the other; and that whoever got the "better would equally advantage his pretensions. If "the Duke of Monmouth succeeded, it would be easy

* Macpherson, Vol. i. p. 144. † D'Avaux, p. 138. 146.

" for him, who was a Protestant as well as he, and, in " the right of his wife the next heir, to shove him out of " the saddle. If, on the contrary, the Duke of Monmouth " was worsted, he got rid of a dangerous rival; and " was sure all his party would then have recourse to " him; which proved afterwards true. This made him, " underhand, do all he could to influence this young " man's fury and ambition; and send him out like a " victim to the slaughter; playing a sure game him- " self, to whomsoever fortune should give the advan- " tage at present *."

This reasoning, very natural to a mind like that of James, is so entirely opposite to the character maintained by King William through life, to whom no one has imputed a crooked or cunning policy except his father-in-law, that it requires but little candour to put it aside as utterly unworthy of belief. It is infinitely

* Macpherson, Vol. i. p. 143.

Father Orleans, whose partiality to James throughout this part of his work is very decided, and whose information was likely to be good, states, " Jaques ayant succedé au Roi son frere à la couronne, entreprit de faire " enlever secretement le Duc de Monmouth, dont ce Prince prevoyoit " bien que tôt ou tard l'inquietude lui causeroit de l'embarras. Le secret " ne pût être si grand, que le Prince d'Orange n'en eut connoissance, et " il ne l'eut pas plûtôt appris, qu'il fit dire a Monmouth par Bentham " son favori et son confident, qu'il se retirât à Bruxelles, et lui fit donner " de l'argent." Histoire des Revolutions d'Angleterre, tom. iii. lib. 11. p. 385. " Le Marquis de Grana l'ayant obligé de quitter Bruxelles à la " sollicitation du Roi d'Angleterre, le Duc revint secretement en Hol- " lande, et s'y tint caché." P. 386.

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more likely that the Prince of Orange should, in his attention to Monmouth, have been influenced by his liking for an amiable and high-spirited young man, whose view of James's conduct, and the probable consequences of it, were similar to his own; and it is not inconsistent with that persuasion to believe that the Prince imagined Monmouth might be likely to further his views of ambition, if he then entertained such, without making a sacrifice of himself: in short, that it might be well worth his while to attach to his cause a man like Monmouth, to whom the popular party in England were devoted.

It appears by the narrative of Sir Patrick Hume, that Monmouth was invited to join in the consultations, by himself and some other Scottish gentlemen expatriated, "who found him of their opinion, and "according to their wishes." And the sentiments the Duke expresses in a letter, written not long before he left Holland, to Spence his secretary, then in England, shew rather a reluctance to the enterprize than an eagerness to embark in it. "You may well believe I "have had time enough to reflect sufficiently upon our "present state since I came hither: but whatever way "I turn my thoughts, I find insuperable difficulties. "Pray do not think it an effect of melancholy, (for "that was never my greatest fault,) when I tell you "that, in these three weeks retirement in this place, "I have not only looked back but forward; and the

"more I consider our present circumstances, I think "them still the more desperate, unless some un- "foreseen accident fall out, which I cannot devise nor "hope for *."

Romantic as such an expedition must appear to us at this day, with a force consisting of only a handful of men, among whom there were not more than two or three of any degree of consideration; without concert with any persons of rank or influence in this country, and without arms, stores, clothing, or ammunition, except what could be purchased with a sum of L. 19,000, borrowed by Monmouth of a widow lady in Holland †; a degree of success attended the Duke at his first landing that could hardly have been hoped for:—of which, as well as of the reverse that followed, Mr. Fox has given a full and correct account.

The imputing to him cowardice and meanness of spirit, on account of the anxious desire he shewed for life after he was taken, was the height of injustice and cruelty; and the whole of Mr. Fox's reasoning upon that seems candid and fair. He had not had opportunities of distinguishing himself, so as to entitle him to the character of a hero; but he was universally

* Appendix to Welwood's Memoirs, No. 15.

† In the narrative of what passed in the close of Monmouth's life, printed in the Appendix, he mentions having received £.1000 of a Mr. Look.

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esteemed brave, as well as generous, affable, ardent in his friendships, just to his word, and an utter enemy to all sorts of cruelty. His letter to James immediately on his being taken, it must be admitted, marked that desire of life strongly. In considering that letter, much more weight has, however, been given to the expression of "one word," so often alluded to, than it appears to have merited; considering the suddenness of the occasion, and the agitation of mind in which he must have written to James. Under such circumstances, it is no matter for surprize that words of doubtful import should be used. That point, too, is very ably and fairly reasoned by Mr. Fox; and as far as any new light is thrown upon the subject by the paper in the Appendix, the impression made by his reasoning will be confirmed.

When Monmouth stated to the Lord Privy Seal, (the Earl of Clarendon,) who accompanied the Duchess in her visit to him in the Tower, what passed between him and the King*, not a syllable fell from him to lead to a belief that he had the remotest intention of betraying any one of those who had acted, or manifested a disposition to act, with him. On enlarging on the topics to the Earl which he had urged to James;

* Appendix, No. 2. Mr. Fox had not a decided opinion whether there was any meeting between Monmouth and his Duchess or not, after he was taken; nor generally as to what passed while he was in the Tower. Mr. Fox's Historical Work, p. 262.

as an inducement to spare his life, the utmost length he went was assuring the King "that his life would "be of service to his Majesty, as knowing the bosom "of all the disaffected persons in his dominions, and "therefore capable of all their ill designs, and pre-"venting thereof, against his person and government;" by which he clearly meant to convey, that he would, if his life should be spared, contribute all in his power to counteract attempts thereafter on James and his government; that is, that he would apply all his means for preventing future mischief to both: but there is no symptom of an intention to give facility to the punishment of any one for what was past: If he had harboured this last intention, he would have expressed it in his interview with his uncle, in the hope of its inducing him to grant the pardon so eagerly sought for—Vain hope! considering the character of James, with which Monmouth must have been well acquainted *.

* In addition to the despair with which Monmouth should have been impressed, arising from James's general character for cruelty and entire want of feeling, he might have been very sure that if the King could, contrary to his nature, have put from his mind all the causes of hatred which had arisen in the reign of his brother, the calumnies with which he had been loaded in the Declaration published at Lyme, in addition to the assumption of the royal title, must have revived and greatly increased it. In that Declaration, it was imputed to James that he had poisoned his brother, that he had procured the murder of Lord Essex in the Tower, and had encouraged the burning of London; of which offences Monmouth knew he was not guilty. Mr. Fox's words, in observing thereupon, are, "Unsupported by evidence, to substantiate such dreadful charges, was "calumny of the most atrocious kind; but the guilt is still heightened,

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From the instant the King had his victim in his power, he was determined on his destruction: nothing, therefore, can be said, nothing indeed has ever been attempted to be said, in extenuation of the unfeeling conduct of James, in consenting to an interview with his nephew, for whose death he had taken a positive determination; nor can any thing be added to the just censures expressed against him for it by almost all who have written on the subject *.

That fixed purpose in the mind of the King is made still more clear than it was to those authors, by an authentic anecdote in the Earl of Dartmouth's manuscript notes. "My uncle, Colonel William Legge, "who went in the coach with him (Monmouth) to "London as a guard, with orders to stab him if there "were any disorders upon the road, shewed me several "charms that were tied about him when he was taken, "and his table-book, which was full of astrological "figures, that nobody could understand; but he told "my uncle, that they had been given him some years "before in Scotland; and said, he found now they

"when we observe that from no conversation of Monmouth, nor indeed "from any other circumstance whatever, do we collect that he himself "believed the horrid accusations to be true." Mr. Fox's Historical Work, p. 271-2.

* James, on reflection, thought it indefensible himself. See Macpherson's Extracts from the Life of James the Second by himself, Vol. i. p. 144.

" were but foolish conceits *." Which orders were probably given to Colonel Legge after James had received Monmouth's letter; as that was written on the 8th of July, immediately on his being taken, and he was not brought to London till the 11th.

It will be difficult to find an instance in history, in any age or in any country, of so earnest and eager a desire of life manifested by such submissive intreaties, through every possible channel, as in this case of the Duke of Monmouth, accompanied with such firmness and cool determined courage in meeting death; although there are moral principles on which such inconsistency may be accounted for, especially in young and ardent minds. Of his desire for life, and intreaties for intercession with the King, we have additional evidence in the paper before referred to. His conversation with the Earl of Clarendon, in the Tower, affords proof that he had not, as Mr. Fox supposes, given up all hope of pardon on quitting James, notwithstanding the discouraging and cold-blooded reception he had met with from his uncle, which the following statement of the Earl of Dartmouth confirms: " When my father carried him to the Tower, " he pressed him in a most indecent manner to " intercede once more with the King for his life,

* Lord Dartmouth's MS. note on Burnet's History, Vol. i. p. 645, last line.

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" upon any terms*; and told him, he knew Lord " Dartmouth loved King Charles: therefore, for his " sake, and God's sake, to try if there were yet no " room for mercy. My father said, the King had told " him the truth; which was, that he had made it " impracticable to save his life, by having declared " himself King. That is my misfortune, said he; " and those that put me upon it will fare better them- " selves: and then added, that Lord Grey had " threatened to leave him upon their first landing, if " he did not do it †."

The account given by Mr. Fox of what passed when Monmouth was on the scaffold, is taken from Sommers's Tracts, reprinted *verbatim* from a narrative published by authority at the time ‡; in which the statement respecting Lady Harriet Wentworth is fuller than in the relation by Mr. Fox, who says, " he was " proceeding to speak of Lady Harriet Wentworth, of " his high esteem for her, and of his confirmed opinion " that their connection was innocent in the sight of " God, when he was interrupted by the sheriff." That he was brutally interrupted by that officer is

* By which he must have meant banishment, or some other terms short of death; not the giving up accomplices.

† Lord Dartmouth's MS. note on the third line from the top of Burnet's History, Vol. i. p. 646.

‡ In the possession of the author.

true; but not till the Duke had proceeded to say, "I have had a scandal raised upon me about a "woman, a Lady of virtue and honour; I will name "her, the Lady Harriet Wentworth. I declare that "she is a very virtuous and godly woman: I have "committed no sin with her; and that which has "passed betwixt us was very honest and innocent in "the sight of God." The correctness of this statement, and of all that passed in the Duke's last moments, is attested by two Bishops; and by two clergymen, who were afterwards successively Archbishops of Canterbury; all of whom were on the scaffold with the Earl *.

Having gone through such observations as appeared to have been rendered necessary by Mr. Fox's Historical Work, it remains only to add a short account of the writer of the Narrative, which gave occasion to this publication, in continuation of what has been already said of him.

* In the Appendix to the Preface of Hemmingford's History of the three King Edwards, edited by Herne, is a letter from the Bishop of St. Asaph to Bishop Fell, "concerning the execution and last behaviour of "the Duke of Monmouth;" in which there is a passage stating, on the authority of the Bishop of Ely, the Duke's acknowledgment on the scaffold of the nature of his intercourse with Lady Harriet Wentworth, in terms more direct than has any where else been met with; but as that was probably rather a construction of what the Bishop of Ely communicated than what he actually said, it certainly is not to be so much relied on as the declaration of the same Bishop and others of what passed in the Duke's last moments, attested under the hands of all the parties, and published by authority.

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The execution of Russel and Sydney, in 1684, having given fresh courage to the Duke of York and his supporters to prosecute those who had distinguished themselves in defence of the liberties of their fellow subjects, Sir Patrick Hume, convinced from experience that he should be one of the first objects of future persecution, withdrew from Redbraes Castle in Berwickshire, the place of his residence, as soon as he heard of the imprisonment of his most intimate and dearest friend, Mr. Baillie of Jerviswood *, till he should have an opportunity of escaping from the country; and chose for the place of his concealment the burial-place under his parish church, about a mile from the castle, where he remained several weeks, supplied every night with food by his daughter, when all were at rest †. His caution proved not unneces-

* Of all the cruelties and persecutions of the time, nothing of a private nature seemed to inflict so deep a wound on the mind of Sir Patrick as the proceedings against this gentleman, who was executed on the same day he was convicted. It is related of him, that when the hope of a pardon was held out to him, on condition of his giving information respecting some friends supposed to be engaged with him, his answer was, "they who "can make such a proposal to me neither know me nor my country." He was found guilty principally on the evidence of Carstairs, extorted from him by torture. The facility with which convictions for treason were obtained during this period may be judged of from a passage in the speech of the Lord Advocate on this trial. "And if a gentleman was "lately found guilty of high treason, by the opinion of all the Lords of "Session, for not revealing that Sir John Cochrane sought fifty pounds "sterling from him, though he refused the same, and though he "believed it was sought for a charitable subsistence to preserve him "from starving! what does this pannel deserve?"

† A narrative of the particulars of this concealment, and of what passed afterwards respecting Sir Patrick, during his residence in Holland,

sary; for immediately after he quitted his house, to which he had returned for a fortnight from his concealment under the church, a strict search was made, and often repeated, by military parties sent for the purpose; who not only examined the premises with great care, but administered oaths to all the servants respecting the knowledge they had of their master's retreat. He escaped to Ireland; from whence he retired first to Geneva, and then to Holland; where, according to an account in a separate MS. in the author's possession, he was received with open arms by the Prince of Orange, who considered him as a sufferer for the Protestant interest, and for the liberties of his country. There he remained till he embarked with the Earl of Argyle.

For all that occurred, from the time of his meeting with that nobleman till their final separation, reference must be had to the Narrative, as the most authentic source of information. After that separation, and the ultimate defeat of the handful of men who crossed the Clyde with him and Sir John Cochrane, and went into Renfrewshire, he secreted himself, as he says in a

written by his grand-daughter, in the possession of Mr. Baillie of Jerviswood, the present very respectable representative of the county of Berwick, who is the descendant of Sir Patrick Hume, as well as of his friend who suffered, is so interesting as to deserve a place in the Appendix, where it will be found.

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private letter, in the house of his friend, Mr. Montgomery of Langshaw; from whence he escaped to the coast of France, and travelled through the whole of that country in the character of a physician to Bourdeaux, compelled by the importunities of the people, as he passed, to practice, from their confidence in the skill of a British physician; which he was obliged to continue to do at Bourdeaux, till he could get a passage from thence to Holland, a second time. On his arrival in that country he went to Utrecht, where he was joined by his wife and family, as soon as they could get there. His whole estate having, in the year 1686, been granted to the Earl of Seaforth; in consequence of a decree of forfeiture having passed against him, on the 22d of May in the preceding year, without a trial, and before he had committed any treasonable act under the Earl of Argyle; at which time a great reward was offered for apprehending him.

In the year 1688 he embarked with King William, and was one of those who landed with him at Lyme. By that deliverer of his country he was created Earl of Marchmont*. In 1696, he was made Lord Chancellor of Scotland; and in 1697, High Commissioner to represent the King in Parliament. On the accession

* King William, as a singular mark of favour, gave him for an addition to his arms an orange with an imperial crown; and the motto, "Fides probata coronat."

of Queen Anne, he was continued in the high employment of Lord Chancellor; but having, on the first meeting of Parliament in that reign, brought in a bill for securing the succession in the Protestant line, which was defeated by a prorogation, the Great Seal was taken from him. The loss of his high office did not, however, prevent him from being an active and zealous supporter of the Union; under an impression that that measure, otherwise an unpopular one, would secure the point he thought of such high importance to the welfare of his country*: and he lived to be a witness of the success of the measure he had so much at heart, in the establishment of the succession of the House of Hanover to the Crown of these kingdoms. He died in 1724, at the advanced age of eighty-four.

What have been conceived to be the defects and errors of Mr. Fox's Historical Work have thus been unfolded, with an impartial, but, it is hoped, with a cautious and no indelicate hand. The original motive, it must be repeated, was the justice the author thought himself bound to claim for the ancestor of a much valued friend; whom Mr. Fox, rather inconsistently, pronounced, in his own opinion, an honourable man;

* In the Earl's correspondence with the Duke of Devonshire and Lord Sommers, he pressed on them a decided opinion that the Protestant succession could not be effectually secured in any way but by an union of the two kingdoms.

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having previously quoted the Earl of Argyle's words, with acquiescence, if not approbation, to shew him unfaithful to his friend, and a betrayer of his cause. In the course of the investigation, however, which that object had prompted, one of a more public and general kind occurred, which the author, as a friend of the British Constitution, became equally solicitous to attain.

The soundness of public opinion is of the highest importance to public happiness; and he does a service to his country, who prevents its being misled in matters essential to that constitution, which the proud experience of ages entitles us to call the best that any nation has ever enjoyed. The equipoise of its component parts, the monarchical, the aristocratical, and the popular, is the basis of the system:—that equipoise will be in danger of being lost, or its useful exercise very much impeded, if the people shall be taught contemptuous notions of any of these constituent parts, or aggravated ideas of its probable abuse.

There have been times when the blindness and bigotry of party writings ran counter to the most just and noblest privileges of the people; to the clearest and most undoubted principles of rational freedom. These have now gone by; and if remembered at all, are remembered with the contempt they deserve. But

doctrines in the opposite extreme are not less dangerous to public order, or to public welfare; doctrines which would degrade and vilify in the minds of the people that monarchy, whose limited powers the people themselves may be truly said not more to obey than to enjoy: since the exercise of those powers are essential to their safety, and in truth to their independance. It is on this ground, and because Mr. Fox's book seemed to be calculated, or rather to have a tendency, to produce this effect, that the remarks contained in the foregoing sheets have been ventured.

Mr. Fox's work exhibits royalty at a time, and amidst a train of events, in which the tyranny of the Sovereign at home was not redeemed or alleviated by glory or success abroad. Such glory and success attended the reign of Elizabeth; and such the usurpation of Cromwell. The period to which Mr. Fox limited himself does not comprehend the Protectorate; but he has incidentally thrown over Cromwell's usurpation that sort of veil, which, speaking of its energy, and not of its injustice, naturally interposes between that injustice and our feelings. And he has given the same air of grandeur to the execution of Charles the First, which he compares, favourably compares, with the unjust sentence of Strafford; which that ill-fated Monarch to his latest moments bitterly repented his

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having consented to sanction: without stating the distinctions between the violation (gross indeed, and ever to be reprobated) of the laws and forms of criminal procedure in the one case; and the overthrow of the constitution itself, from which those laws emanate, in the other. He has assigned to James the motive only of a passion for arbitrary sway, as the common vice of Kings, without assigning its proper influence to that peculiar propensity which was always inherent in, and present to, his mind; and which, it is conceived, has been proved to overrule, in that infatuated monarch, every other desire of power, or consideration of safety,—bigotry to his religion. And professing admiration of the Revolution of 1688, he has deprived it of some of those honours, which every inhabitant of this favoured country is bound to acknowledge with that reverence and attachment due to a constitution and form of government, which at the time of that Revolution, and by the public virtue of its promoters, was fixed, it is hoped unalterably fixed, as the basis and security of our private happiness and our national safety.

In all these particulars the author has ventured to differ from Mr. Fox with freedom and zeal, but he hopes temperately, and with fairness and candour. The subject has been considered with no more personal reference to Mr. Fox than was necessary to afford a

reason, or perhaps more properly speaking, an apology for what was thought to be a mistaken view of some of its leading points; with reference to the political situation in which he happened to be placed during the greatest part of his life, and the use to which his splendid talents were for the most part applied.

The author speaks impersonally, and he hopes it will be allowed justly, when he says that history, in its proper province, instructs, warns, and improves mankind. Its impartial narrative gives to the present time the experience which only a knowledge of the past can bestow; and prompts those just and salutary reflections, which the events it records naturally produce. But history cannot connect itself with party, without forfeiting its name; without departing from the truth, the dignity, and the usefulness of its functions.

SIR PATRICK HUME'S

NARRATIVE OF OCCURRENCES

IN THE

EXPEDITION OF THE EARL OF ARGYLE,

In 1685.

SIR PATRICK HUME'S NARRATIVE.

INDORSED,

A LETTER OF IMPORTANT PASSAGES in 1685.

My Dear heart *. Since I can have smal hope of seeing you any more, or enjoying the pleasure of conversing to you, a thing wherein as now I more than ever discerne my happiness on this earth did much consist, not knowing how long God will preserve mee from the hands of mine enemies, who pant earnestly after my life, have set a rate upon my head, and done otherwise what they can to cut off from mee all ways of escaping their fury; I found myselfe obliged on many accounts, publick and my owne, to spend some time in giving to the nation & my friends & my family, some account of the matters, I have of late had hand in and of myselfe; that the affaire chiefly, many worthy persons therein concerned and I, may not by ignorant

* This Paper was addressed to his wife, from Holland.

or false representations be prejudiced or discredited, and ther is none to whom I can address it so duely as yourselfe, or so safely; for though this mock parliament have made it by their forfaulting mee very dangerous for others, yet you may with somewhat more safety receive a letter from mee, also none will take so much care of dispersing the contents as I think you will; beside that there is none I can be more obliged to satisfy then you by it; and for these purposes I recommend it to your care and descretion.

In the moneth of September last when order was given to apprehend mee, and my house was twice searched by troopes sent for that end *, so as I was obliged to abscond till I got a convenient way of getting off the Isle, you know how it was with mee and the maner of my living: so soone as I got upon the Continent, I stay'd but short in France, but spent some weeks in Dunkirk, Ostend, Bruges, and other townes in Flanders and Brabant, wher I traversed before I came to Brussells, whither soone as I heard that he resided there, I went to converse with the Duke of Monmouth; but he was gone thence to Hague, which led mee, after waiting some time for him, in expectation of his returne, on to Antwerp and so to Holland: But finding no convenience of meeting him, after short stay at Rotter-

* See Lady Murray's Narrative in the Appendix.

dam I went up to Utrecht with thoughts of putting off longer time there, and spending it as profitably as I might: But very soon the surprising newes of King Charles his death, with great grounds, and to mee convincing, of base and treacherous means of bringing him to it, came to my ears: Whereupon after discoursing there with some worthy, liberal spirited gentlemen of our nation, I went to Rotterdam to treat with others who were there, wher I found severall.

After free communication of thoughts, wherin wee were at perfect agreement, wee as freely communicated opinions and counsells; and attained at lenth to as perfect an aggreement of resolution and determination what to doe; and being convinced that the hellish popish plot, so evidently and distinctly discovered and laid open in the parliament of England, to the conviction of all ingenous and intelligent considerers, 'though afterwards hudled up and obscured by the arts of the Duke of York and others, its wicked and restless instruments, and thereby put in case to work and goe on with greater ease & safety to itselfe and them, and far greater danger to all the protestant freemen; had taken its effect against the late King by an incomparable ingratitude of all the managers thereof; and was now in case and ready to receive its top ston, and finall accomplishment, in the destruction and suppression of the Christian Religion, (which is but one, and wherin the

Roman has no pairt unless Christian and Anti-Christian signify the same thing,) and its professers, and of the naturall and native rights and liberties of the free people of Britaine and Irland, and all the legall fences of societie and propertie there established, by the means of the Duke of York his attaining to, and his receiving of the imperial crowne of these Kingdoms; and that if he should be able by the feircer methods of his owne fury, or the crafty contrivances of his party, so to work upon the countries and corporations of England, generally laid sleeping & intoxicated by ease from war and taxes, & by a free course of their traffick & trade, during the later years of King Charles his reigne, by reason of pairtly that King's love of ease, & feares & apprehensiones of a civill war, & his jeolousies & dislike of parliaments; finding of late their inclinationes to search in his mysteries, the designes of popery, at least in subserviencie to arbitrary power, & absolute tyranny; & pairtly his policie & cuning, wherin he exceeded all about him admitted to his service and counsels; wherby he indeed made easier, quicker & greater progress in his designes than he could possibly have done by rough & stormie methods, verifying upon his hoodwinked people the saying, " plures gulâ quam gladiis " pereant."—Who truly have been as Samson dandled upon the knees of their Delilas 'till the loaks of their strenth have been cutt off, & almost their eyes put out, as to gett a parliament there of his owne packing, ac-

cording to the illegall methods taken to debauch & influence elections in counties, cities & townes; having that point aboundantly certaine in Scotland, by the treacherie and perfidie of former mock-parliaments, very well packed for that purpose, by methods as fraudulent & injust & more violent; and in Ireland by such assistance as a few apostate planters, being men of intrest and in command, might give to the numerous barbarous and bigot papist natives; he might & would soone fortifie himselfe in his station with strong armies; & then, on the methods of his naturall temper, conforme to the cruell principles of his religion and its doctrins, cary on his terrible work of setling and rivetting Popery & tyrannie in, & eradicating Christianity & Liberty, the chief blessings of a society, out of these nations; at leest would make the meanes of preventing these great & imminent dangers, more narow and scarce; and the practice more difficult & dangerous: and being also fully and distinctly satisfied & cleared, of the obligation and duty lying upon us as Christians and scottes natives, to endeavour the rescue, defence, and relief, of our Religion, Rights, and Liberties, and the many distressed sufferers on their behalf against the Duke of York & others, usurping upon, ruining and invading of the same under pretext of Justice, Law, & Right; and of the probability and convenience of the present opportunity, in respect of the great and just enmity, of the bodies of all three nationes against the

Duke in respect of the many mischeifes, *cruell bloodshed, and grievus* oppressions, comitted and exercised upon them by his influence, & aversation from him, aboundantly manifested as occasion came to their hands; wee did resolve and determine, to try how far wee could reasonably undertake and porsue, our clear dutty in the matter.

The first step resolved was to try the opinions of the Duke of Monmouth & Earl of Argyle, and others beyond sea, sufferers for the intrests, or any pairt thereof; at least such as wee conceived trusty, right affected, and able to give advice: this wee judged our duty to them and their sufferings, and necessary for clearing up & following out the affaire; for upon the whole matter we laid it for a ground that the wicked designes against the true religion wer not confined to, nor calculated against, Britain and Ireland only, but universally, as is indisputably clear; though I will no there repeat the proofs, intending only a letter not a treatise: And that it was therfore necessary to try how far Princess & States of the religion, would bestir themselves to prevent the mischeifes, by us aiding either in the beginning or progress of the attempt; likewise, that the designes against rights & liberties, and for establishing tyrannical monarchy, wer levelled equally against all three kingdomes; which required the concurrence of all 3 in the attempt and undertaking for opposing them; not

only in justice but of necessity, in respect of the enemy's strenth by his allyes abroad, standing forces, papists, pensioners, beneficioners, and traders at home; and that it was therefor necessary to solicite the concurrence of those concerned and cordiall of all 3 nationes, especially considering that by want therof, those two worthy appearances of our countrymen, the honourable asserters of our religion and liberties, at Pentland hills and Bothwell bridge, wer so soone desarted and frustrated.

Pursuant to our purpose wee invited the Duke of Monmouth then gone for Brussells, to Rotterdam, giving in the letter some intimation of our business with him; who without delay came to us; having discoursed at large wee found him of our opinion, and according to our wishes, and as much as any persuaded that if something were not timously done, the Duke of York would strenthen himself in armies, debauch or violent parliaments, so as in short time he should be able to oppress all good christians, and free spirits in the nationes, and setle Antichristianisme and tyranny at his pleasure.

The Erle of Argyle with Sir Jo^{n} Cochran and his son Jo^{n} and other gentlemen, (but I abstaine from naming any persons in this writing who yet are out of the enemies hands, till a time of less danger, set mee at liberty) upon the news of King Carles' death came from

Freezland, and other places there and in Germany, to Amsterdam; hearing of us in Rotterdam, haisted thither, but Monmouth was parted before: The Erle was very forward without delay to take shiping for Scotland, and asked us, who of us would take our hazard and goe? for that he was resolved presently with such as would follow him to set forward and land there. It was answered, that all of us were determined and clear, both in point of our duty, and of the* probabeters of the present juncture of affairs in reference to the D. of York and the nationes; if all previous necessaries were fitted & adjusted, and needfull preparations made; and that if we should precipitate, neglecting any of those, wee might probably make mer haist then good speed; and therfore advised, that wee should in order consider and discourse of the whole affaire above, as it wer in the preliminaries, correspondencies, preparations, concurrences, and aides, forreign and civill, the beginning stepes and progress, in so far as might be evident and distinct, with the dangers & remedies, conveniencyes & inconveniencyes, discoverable in so great and consequentiall ane undertaking; the effects and result wherof, would necessarily produce either great benefit, or damage, to the christian interest and the nationes, of our concerne; and reduce our resolves into a scheme or modell, as clear as wee could, to be followed or altered as the busines in the progress should require.

The Erle said to this purpose, that he had good correspondence in Scotland and much, and by it considerable encouragement and invitation for coming to Scotland, and assurance of concurrance; but desired withall that none would press him with particulares, for these he would impairt to nobody; then gave a large account of what befell him after his escape from Ed^r^ Castle, and leaving of London; how he fell acquainted with some good English people very concerned in the cõion cause, and wel stocked in money (but such cannot now be named); how providence had assisted him in making preparation of armes of all sorts, both for horsemen & foot, to the value of a great sum which wher now in readiness, likewise one frigat already bought; that he was fully satisfied of concurrance in Scotland, as for any other, he thought it was not to be expected in the beginning, but would assuredly follow; that he did perfectly understand the whole harboures and coastes about Scotland, and the grounds, and fields in every countrey and place thereof, and knew how to use them in landing, marching, and encamping of an army, and in leading & drawing them to batle, to the best advantage; that he would shew to some of us the listes and accounts of his armes & ammunition, and order of provision for transport; but for other things, which related to and concerned the management & conduct of the business, must needs be left to himselfe, and could not be imparted without danger and detriment to the affaire, or denyed to him by any,

but who doubted either his abilities and fitness, or his integritie and ingenuitie; and if a scheme wer made on such an affaire, it could only serve to divulge methodes, for it could not be a rule; the generall being often necessitated to change methods in an houre: And if any of us wer of contrary opinion, he desired none such to goe along, and would not bid them, but he would begone very soone with such as would joine him.

This discours, with some tart expressiones which he had upon the Duke of Monmouth, importing great, and as wee understood groundless, jeolousies of him, and aversion from medling with him or having him concerned in the business, put us to second thoughts; yet then wee only told him, that wee would consider further of matters, and try the Duke of Monmouth's inclinations and temper. The next occasion we had soone after of treating with the Duke, wee went over all had been before discoursed with him, and finding him firmly resolved as before, I asked him, in what character he intended to join and act? he answered as a Protestant and Englishman, for the Protestant religion and liberties of the nationes, against the Duke of York, usurper of the Royall dignity, and his assisters, oppressors of the people in al 3 nationes, in their Religion, Consciences, Rights, and Liberties: I urged further, if he considered himselfe as lawfull son of King Carles last deceased? he said he did; I asked if he was able to make out and prove the marriage of his mother to the King Charles, and he intended

to lay claime to the crowne? He answered he had been able lately to prove the marriage *, and if some persons are not lately dead, of which he would informe himselfe, he would yet be able to prove it: As for his claiming the crowne, he intended not to doe it, unless it wer advised to be done, by those who should concerne themselves, and joine for delivery of the nationes; and that whether so or not, he would lay no clame, or use no title, but by advice, and to the advantage of the comon cause; and if, and when, wee should prevail, he should lay it downe, and give it up in the hands of the people or their representatives, for establishing their religion, and a solidd and good modell of government, such as they should think fitt to setle; and that for his pairt he should cheerfully and heartily, accept of what station in the comonwealth, they should bestow upon him; and think himself fully rewarded by being the instrument of so much good to the na-

* For the solemn declaration made by the King in Council, and enrolled in Chancery, that he was not married to Monmouth's mother, see the Paper in the Appendix.

The only instances which have been met with of any thing like an acknowledgment that Charles the 2d was married to Mrs. Walters, are in two letters to him from the Princess of Orange, from the Hague, 20th May, 1655, and from Hounslerdike, 21st June following: In the first her Highness says, "Your wife is resolving whither shee will writ or no: "therefor I am to say nothing to you from her." In the other, "Your "wife desires me to present her humble duty to you; which is all she can "say. I tell her 'tis because shee thinks of another husband, and dos "not follow your example, of being as constant a wife as you are a "husband: 'tis a frailty they say is given to the sex; therefore you will "pardon her I hope." Thurloe's State Papers, Vol. i. page 665.

tiones: Upon this I told him, that I found many, our best friends in England, jeolous of his aspiring to the royall dignitie; of which, by reason of the great abuses of itt, and the miserable consequences, so habituall as now become its second nature, they wer extremely disgusted, and so somewhat averse from medling with him; but if he would on the termes of his discourse, give full assurance to such of them as wer in the Low Countreys, many at Amsterdam, whereof they might certify their friends in England, and to us, so as wee might certifie many to whom wee had accesse, he would quickly be most acceptable to all, and in all probability be the great instrument of the nationes there deliverance; and obtain for himselfe and his family a more honourable, and better established station and condition, than any King on earth: Wherupon, he tooke deep asseverationes in the presence of God, that he intended and would doe as he had spoken, and repeated what before is rehearsed, and said he would give the like assurance to the English, as he did very solemnly*; whereby his greatest opposers, jeolous of him as above said, (who gave mee a full account of the matter, as likewise he himselfe did afterwards at Amsterdam,) wer cordially joined to him, and entirely of a peace with him. Then, wee proceeded to other points, and concluded, that unless an attempt should be made in England, at the same time as in Scotland,

* His assuming the regal title soon after putting his foot on English ground was not very consistent with this.

wee would not engage, or goe to action; next, that wee would take course, that at leest ther should be such a ballance fixed in Ireland, as that no danger might come upon Scotland or England from thence: Then, that wee should so deale with protestant powers abroad, as they should at leest keep off forreigne powers, popish and allyes to York, from medling in the war, and what further could be obtained of them; wher anent some of them had already given us what to hope: Wee fixed some methods upon each point, and the Duke said, that if after tryall he should not have faire invitation to goe for England, if wee thought business might be done to purpose in Scotland, he would be ready to hazard with us thither; this he said upon our telling him of Argyle's confidence, and haist to be gone; but wee told him that wee would not meddle in the bussiness, unless upon concurrence of the promised considerationes. Shortly after the Erle came to Rotterdam, with Sir Jo^{n} Cochran and others; wee told him how frank and ready the Duke was, yea, even if wee thought wee should be able to doe the bussiness in Scotland without England's help, at leest in the begginning, he should be ready to goe along with us. The Erle started exceedingly at this, and expressed great dislike of the Duke goeing to Scotland; saying, that he could signifie nothing, wher he had so litle acquaintance, and that however qualified he wer for conducting of a Royall well provided army, yet he knew him not very fit for making the best of a few

men in partyes, which would be our first work. Wee told him, that he would not think of goeing to Scotland, if he could goe to serve the intrest in England; but if he wer not to goe thither, wee judged wee could not faire the worse for his goeing with us, in case wee thought fitt to goe: Then said the Erle, wher are the Duke's armes, and aũunition? If he be sufficiently provided of these, I am not only content to goe to Scotland, but shall be willing to serve under him, wer it as a single trooper; but if he is unprovided how can he undertake such a bussinesse? Wee answered, that the provissiones which he had given us account of the other meeting wer considerable, and enough to begin with. He replyed, these wher nothing to the Duke of Monmouth nor to him; but bought & provided by other good persons to be employed as they pleased; and that they would by no meanes medle with the Duke: Wee put him in mind that formerly he called the armes his armes, and aũunition his aũunition, and asked how he now said they belonged to others? He answered that they wer the byers goods, who would have them used by him as they would: Then wee told him that whatever wer the Duke's or his Lordship's opinion, wee wer firmly determined not to have any attempt made on Scotland, except it wer at the same time, or about it, made in England: And except Irland and forreigners wer prepared as abøve-said; and unless wee wer satisfied with the correspondences, preparations, and schem, and modell of

the whole designe; and of the ways laid downe to carry on and manage it, with the grounds and declarations to be published thereupon: Because, as if this undertakeing should be well managed, its successe might restore the nation's intrests; so, if mismanaged, its defeat would exceedingly tend to their ruine, at leest high detriment and prejudice. At this meeting the Erle was high, peremptory, and passionate, tho' I' have concealld all the expressions, and parted in y^e^ temper; wee wer much stumbled, and found the first difficultie was how to prevent mistake rising betwixt the Duke of Monmouth and the Erle, when they should meet; especially having clearly discovered from his cariage and discourses all along that the point of leading and comand stuck very deep with the Erle; but he prevented our fears, for next day he visited the Duke alone, and conserted with him, that unless England would concur our undertaking should goe no further; and likewise agreed in the generall to what is said before anent Irland and forreigners: Then, having met together, wee concluded that the Duke, with assistance of the English in these pairts, should try the English part and prepare for it; and also doe what he could anent Irland and forreigners; in which wee should concur and comunicate counsells, and that wee should try the Scots part and prepare for it: And when all wer ready, should jointly and at or about

the same time set saile, and goe to it; provided that tryalls and preparations did answer expectations to satisfaction: The Erle at this meeting pressed exceedingly a categorick answer, whether wee would goe with him or not; but had returne that the examination of the things promised, would determine both the whole affaire, and as to its being undertaken, and our going. Thus wee parted, every one to set about the pairts of the bussines as was resolved; and wee trusted, being to much observed at Rotterdam, to meet with the Erle and other Scots at Amsterdam, to proceed in the trying and ordering the Scots pairt and Irish: After the Erle was gone, some that came from Amsterdam with him, who stayed at Rotterdam some days with us, vented in discourse many litle predictions, which they said wer matter of table talking to the Erle and his English freinds about him, (who to say, as it seemed, caryed him at great respect, and esteemed him very highly,) all pointing at some great action to be done by him, especially some horagliphicks by an English astroleger, representing many events; as King Charles the 1st his death; Oliver's rise, progress, and end; Charles the 2d's banishment, restoration, and death; Duke of York coming to the crowne; and last a litle Highland man, as the habit shewed, brandishing his sword over a field of dead bodies: none was so vaine as to apply to the Erle plainly, but it was clear enough by their

way of talking and insisting on these idle trifles, both there and at Amsterdam afterwards, that they did desire the hearers might apply them: But these stories, with the Erle's deportment before and after, had quite another effect, and made us feare that the Erle went too far on grounds too weak; and resolved to try all to the bottom, that ther might be no trifling and fooling in matters of so high importance; which wee did as far as wee could in the following manner: The Scots that wer at Rotterdam, who wer all the persons of any experience in state matters amongst us, the Erle and Sir John Cochrane excepted, went to a close considering and discoursing of the affaire in all points, especially those before-mentioned; and having agreed in one, some of our numbers wer chosen to go to Amsterdam, to meet with the Duke of Monmouth as occasion required, to learn what progress he made in his pairt of the business; and to consert with the Earl of Argyle what related to our pairt, after examination of such things relating to it as was needfull for our clearing. When they came thither, and met with M—— and the Lord Gray they greatly satisfied us anent the intelligences and message toward England and forreign friends; but when return came nothing more could be done on their pairt. They enquired at some of us if wee wer well fixed upon our grounds? We answered it was our bussiness here to try and setle them; he told us Argyle promised great things, as 5 or 6000 men of

his owne at leest, and was impatient to be gone, and dissatisfied with some of us for delaying; 'twas answered that there was no delay on our pairt, yet theire was no determining till it wer knowen that England would concur, Irland wer secured, forreigners at leest satisfied with our attempt, and the Scots pairt better prepared: As for the 6000 men, the Erle promised of his owne, wee would try if he wer certaine of them; wee wer exceedingly straitened betwixt the Duke and the Erle; the last asserting great things to him which wee knew wold not hold, and wer loath to contradict, and discover the weakness, lest the Duke and Lord Grey should be discouraged; at lest till they might be encouraged from England: But the Duke meeting frequently with the Erle, found out of himselfe what wee would gladly have covered; and began to set light by the Erle's calculationes, except in so far as wee joined with him and asserted. At first meeting with the Erle, he discoursed at large and satisfyingly, of the provision of armes and amunition, which to its proportion was indeed very good and orderly; nor doe I think ever so litle money, in this age and place of the world, was more advantageously laide out such a way; for I am assured 20,000 *l.* sterling has been disburssd for a lesse provision than was made here within 10,000. Then it was asked when wee looked for men to lift these armes? The Erle answered, he had many more men of his owne would joine him whensoever he came

among them then would take all these armes; but they wer already very well armed, and needed them not; therfore he would bestow few of these armes among them, but reserve them for such Lowland men as wanted armes: Then wee went closse to the point, & desired to know what ground there was for expecting 5 or 6000 Highlanders? What ground for expecting in the Lowlands if these wer suppositiones? The Erle answered, he went not upon suppositiones, but upon good and solid assurances; yet such as he could not impairt, and if wee would not trust him in that, wee might, &c. doe as wee pleased. Sir John Cochran said he was satisfied of the Erle's grounds as to the Highlands, and could freely trust him, since it was to be supposed the Erle would neither adventer to goe himselfe, or to invite us, but upon good and probable grounds: And as to the Lowlands could say more, that he himselfe had good assurances of a strong concurrence, which made him the more freely trust what the Erle asserted of his; but that it was not to be imagined the Erle or he would divulge persons or correspondences; so that the trust and confidence in the asserters behoved to satisfie, as it might very well. It was answered, divulging of things fitt to be kept secret was not desired; but that some others of our number (some such ther wer amongst us deserved upon all considerations to have nothing kept up from them in the whole affaire,) might be acquainted with all things, and capacitate to

join with the Erle in what he asserted; in which the whole company would acquiesse without more question. The Erle, hearing these things somewhat impatiently, answered he must be trusted in more then that; for his grounds of assurance, the time of his goeing off from Holland til 24 hours before, and the place of his landing in Scotland, he would impairt to no mortall man; and he that would not trust these to him, had best not be concerned in this bussiness. Sir John answered he did freely trust him; he had never pressed him on these heads, nor would; nor did he think that any man ought to doe it; so wee parted, not at all satisfied; yet being very intent upon the business, and desirous to find satisfaction to our reason, I was sent to the Erle with an overture, and was desired to presse him and Sir John, in the terms I used as follows: I expostulated with the Erle upon the three points he would keep secret; told him plainly they would not pass upon his credite, and pressed that he might treate freely anent them with any two of six I named, whose assertion with his Lordship would satisfie all: He answered to the first point with a question; you know, said he, my son is come over to me lately, by whom I heard from my friends in the Highlands and Lowlands, and have good assurance of assistance from them, as also from those a foot of our party in Scotland, called the Mountaine Men; and if you wer in my caise, and under tyes to conceale persons names

with whom you had dealing, would you reveale them to any? I said I would not; then, replyed he, you are answered in that point; for the other two, he thought them not materiall for any body to know; and if they should, or any of them, chance to be discovered, it would disappoint and prevent the whole business. I condescended with him as to the second, provided time was given to make ready; but for the 3d, I told him most would be very ernest that two, as I spoke of, should be acquainted with the place of landing, and declare their good likeing of it, which would satisfie all; otherwise 'twas like wee would break asunder.

It wer tedious, neither have I time for it, to repeat all the arguments and answers that passed on this matter; but for conclusion, the Erle refused possitively, come on it what would: I went to Sir John, and discoursing him on the same points, found him wel prepared by the Erle, giving the same answeres for the Erle as himselfe did; he declared his disatisfaction with such as pressed him on these heads, which he said ought to be trusted to him as Generall. Generall said I, of what? where is the army? and who has apointed my Lord for Generall? The matter is not yet come that lenth; we must think first if a war is determined; then of souldiers to be gotten and armed; and then of a Generall to lead them. I pray, said he, who is so capable of that comand as my Lord?

Then I, supposing an army, he is certainly very capable of being chosen to, but not of assuming to himselfe the office of Generall; for you know we are not for arbitrary power in what hand soever: He answering no more, I pressed him upon the quality of his assurances from his countrey; he said he knew that he would not be foure days there, when he should have 3000 good men at his backe; at that he might say more; but I pressing him to particulares, he plainly acknowleged that he had no private correspondence since the King's death; but, said he, doe you think that the countrey where my intrest is, being one of the best affected in Scotland, wher I have so many good relationes also well affected, who albeit they should be inclined to ly by at the first themselves, (wher he named several considerable persons,) would certainly encourage their people to joine, that my reckoning of 4 or 3000 is wide and improbable? I said I know not; but thought it an uncertainty; he said he reckoned it a certainty. When I had discoursed friends on these things, another message was sent to the Erle, desiring that he would deale freely upon the secret points with one person named to him, his owne great friend, long acquaintance, & confident; and if he would assert his satisfaction of the groundes, all others would acquiesse: To this the Erle condescended: In the mean time the Duke of Monmouth, understanding how things wer amonst us, desired to discourse;

the Erle and mee together; the Erle made his part as plausible as he could, and asserted that he was able, of his owne, to raise 15,000 men; and asked me if it wer not so? I, unwilling to diminish the esteem of his power to the Duke, which I conceived the persuasion of might be encourageing to him, answered, I supposed his intrest by friends and followers had been very great, though I knew it not particularly; but this I knew, that the government had for several years made it their business to break it, and had very much weakened it: Well, said he, think you not of 15, I can have 5? I know not, said I: Think you not, said he, I may have 3? I am as sure of 3000 as of 300; and with those I will, though no more should join, keep all York's forces in Scotland at work for a year: But, said he, what men can you raise? I told him it was not our fashion, in that countrey, to keep muster-roll of our men; but he pressing me hard before the Duke, I answered, that I was persuaded neither his followers nor mine, on account of private intrest or respecte, would much signify; but affection to the common cause would doe the business of raising the countrey; and if I wer with other 3 whom I named, with a small backing in that countrey, I thought we should be able to bring to our army 600 good horsemen, with as great a certainty as he could raise the 3000 spoken of on his private intrest. The Duke said, that was very considerable; and he thought I

spoke modestly, for he knew all. his intrest in the South would joine me: I said I thought I might in modesty say more, but would not, till I tryed by a messenger. Then told we the Duke how we had conserted the aforesaid points in difference, wherof he was very joyfull, and we parted so. Then some of us wer sent to the comon trustee, and acquainted him with the points wherof the Erle was to satisfy him, and discoursed the import of the bussines and its weight, and how great a trust he bore; he promised to lay it to heart, and try the Erle fully. After the Erle had got time with him, we wer sent to get an account, the Erle asserting that he had fully satisfied him; he told us that he had discoursed with the Earl at large, and was fully satisfied of his grounds, so as he himself could freely join with him, and thought others might safely doe so, at which we expressed great satisfaction; yet afterwards, examining more particularely, he acknowledged the Erle had not acquainted him with particulare correspondences, nor the place intended to land at; only he said he was convinced the Erle had great and good correspondence; and as to his landing and begining the action, that he had notable projects in his head; but that he would not unfold particulares; yet he was persuaded the Erle, being one of so great experience in affairs, so good pairts, so great intrest, and concerne in this matter, would not adventure himselfe,

or others, but upon grounds very probable; especially when not only his own standing and falling did depend upon it, but also the intrest of the Christian religion, not only in Britain and Irland, but universally, and the natione's rights and liberties; since of necessity either much advantage or prejudice must be the consequence of the undertaking and attemp. Upon further discourse wee found this person not intending to goe himselfe along; reporting these things to our company they wer no way satisfied, finding that the Erle had not dealt in that particular way of freedom that they expected, with their trustee; and supposing him not so qualified to judge, as not being to be personally concerned, as those who wer. The Erle, finding them yet dissatisfied, pretended an advantage of them and told the Duke therof; who, on hearing the full account, was satisfied that the failure was on the Erle's pairt, who had not used that freedome with the trustee which the gentlemen had cause to expect: Then the Erle offered that so soon as wee wer a shipboard, so as nothing could spread out of the company, he would acquaint us all with the place of his landing; and if wee wer not satisfied, should either satisfie us or be satisfied with our choice, and should likewise satisfy us of all his projects, or change by our advice; but behoved to conceale his correspondences: We wer satisfied he should conceale the correspondents, not the correspondences, to which he aggreed; the

rest wee took to advisement till wee should proceed to consider other points and conclude altogether; it was moved that we should resolve to make three, or at least two, discents and impressiones in different places of the land; the readdier to gather the country, and to force York's men either to divide their armie, or to leev some places free to us; and for that effect to divide the persons goeing along, armes of all sortes, and amunition fitly in the 3 ships: This Argyle long opposed, alleadging that wee wer too few to part; but being pressed that if he should land in a strong country, (for wee knew well he intended for the Western Isles tho' he would not tell it,) the army would certainly tend towards him, and then another party landing in some well affected distant place; and another in a more distant, the Duke, in the mean time, landing in England; and friends in the north of England, joining with the southermost Scotes pairty; might very probably put York's counsells to some considerable demur, and divide his forces; and could hardly miss of affording the well affected in the countrey good conveniences for repairing to us, and good leisure to other places more remote, to rise in armes by themselves, after they should hear of any advantage on our side; which wee intend likewise to concert by messages. I shall omit the struggling and too and fro's on this point, since at last the Erle condescended, provided wee should leev the places of descent to be

resolved a shipboard: One thing I must remember, which the Erle could not shift, that we might the more safely divide ourselves in landing; that he knew of 5, at lest 3000 men, at the place of his landing to joine him, and his place so advantageous, as he could give Yorke's forces work for a year; and if they should all turn against him we would levie in free countreys, and quickly be against them behind; if they turned against us, he might persue them, and we would take strong grounds till wee might come together. Then the question was moved in whose hands the authoritative management of the whole undertaking on the Scotes pairt should be: The Erle seemed exceedingly stumbled at this motion, and after a long pause answered, I am resolved to doe nothing without a counsell of war, unless upon surprise, when there is no time to call a counsell; in which case, any generall in the world acts by himself: Sir John Cochrane pleaded the same, and joined with the Erle: It was ill taking that the Erle spoke of himselfe as generall, before he was thereto nominate by the undertakers; yet it was not then challenged; but it was answered that a counsell of war consisted of the officers, and their province was well and comonly known to be the military actiones in time of the armies' service; but there needs an authority above an army and counsell of war, to manage the whole intrest and undertaking, abstract from the counsell of war's business and the

ordering the particular actiones of the armies' service: For example, to manage and order correspondences abroad and at home; to declare the war, and publish a declaration of it; to treat with enemies, if necessarily; to emit proclamationes; to propose rewards; to apoint officers; and generally to act the pairt of a counsell of state, in ordering the descents and impressions to be made; devideing the armes, amunition, and men; ordering levies, and sending them to convenient places of the countrey, or keeping them together; and many other things that might occur. The Erle said, would these few here take on them to act as representing a nation? It was answered, that if persons here wer not fited to act in that capacity, they wer unfit to undertake so high an attemp, that ther wer severall here fitt for joining in that capacity with whoever should after join to them; that such a power behoved to be lodged somewher; our absent countrymen could not have it in hand; so the present undertakers, all, or one amongst them, or some of ther number, must have it; but on one hand, so great a trust cannot come, or be advantageously exerted: therfore the gentlemen of intrest and best understanding must have it upon them, tho' they are but a few, yet so as when they land, and others such as they of intrest and understanding joine with them, these should participate also with them in the same power and authority: This the Erle opposed mightily, to the great disgust

of all the rest, who exceedingly disliked the unlimited power and comand he aimed att: After much debate had passed, which I cannot get time to insert here, he said in the end, if any pairty, taking the chiefe power upon them, would furnish armes and amunition, and the expense of shiping and necessary provisions, he should willingly yeeld to such a motion from them, and goe along in what station they pleased; but since all those things wer furnished by him, he would admit of no such thing, but would undertake the bussiness himselfe with such as willingly concurred: It was answered, that what was furnished was not by him, but to him, for the comon cause; and that his Lordship's interest in the provisions was only upon that account: that all undertakers in it had proportionally the same interest in them; then he was desired to consider that the bussiness he offered to undertake was the concern of the nation, and so ours as well as his, wherin wee wer to see that the great interest at lest should not be damnified and put in a worse condition insted of repairing it: here the Erle fell mute and thoughtfull; but Sir John Cochran owned his opinion; and, all along in discourses, publicke and private, upon this point, was carried away by the Erle, and made to oppose us to the displeasure of us all, who knowing his worth and honesty, regreted this piece of weakness, and took much paines to draw him off; but there was no pre-

vailing, though his son John, who al along tooke up matters aright, and shewed much freedom of spirit and sincerity of principles, did endeavour ernestly with him, and was necessitated to differ from him in joining with us: Afterward meeting among ourselves, the gentlemen sent some of our number, such as wer thought to have most influence upon him, to Argyle, for persuading him, but to no purpose, though much paines was taken and time spent that way: In end, the gentlemen being to meet together, he knowing of it, was the occasion of the coming of some, who it was thought would not otherwise have been with us, to know what passed; for it seems by what followes, our last words to him, that wee wer to see that the great interest did not suffer by what he should doe, did stick with him. At our meeting we discoursed freely, blaming the Erle's wilfulnesse in opposing a proposal so reasonable and necessary. Sir John Cochrane was so impatient to hear, that he rose in passion and left us; we continued our discourses, at lenth one, I cannot now name, seconded by another, asked what would be our determination? Some answered we would take leev and part, he urged would wee see others venter their lives for the religion and liberties, if our country and ourselves ly by? I answered that we would consider if the designes of any to act in that bussiness wer rational and probable, or otherwise: if they were likely to produce

good effects, or bad; if the former, I supposed we wold not ly by, but venter as far as any; if the latter, I supposed we would act the pairt of rationall concerned persons; he pressed further, what if the last cais, we would doe, or what we could doe? To this, others hesitating, I answered againe, that I thought it wer our duty to prevent the hurt of our nation, and the honest sufferers in it; and to break any design ill laid, or not founded on solid grounds; and that it was in our power to frustrate and stop, and serve our nation in preventing its harm that way; some blamed my freedome when wee parted, but wer afterwards convinced that it had a good effect; for the Erle hearing from those sent by him a full account, when some of us went to take leev of him to be gone, pressed them to stay, saying, it was very sad wee should not part as good friends, but rather resolving to goe crosse to one another, which would undoubtedly break and ruine all; they answering that ther was no help for it, he intreated them stay, and he would meet us in the evening, and give us all satisfaction: They condescended, came to us and made the appointment. In the evening, when wee wer together, the Erle, with Sir John, came in; he discoursed that he was most willing all matters should be managed with comon consent, and never designed any other; but he had thought wee wer too few to take on us a high cha-

racter; but was now over that, and desired only, that points reserved to be consulted a shipboard might be left till then, as wee had resolved before; and so desired us to proceed: And in short wee there tooke upon us the character and power of a coñon counsell, choosed Sir John Cochrane president for that time and clerk *: Then, after several discourses by the Erle & others, wee resolved the following points, and made acts upon them:

1st, To declare and undertake a war against the Duke of York and his assisters, for restoring and setling of the true religion, and the native rights and liberties of the 3 kingdomes.

2d, That wee tooke upon us, and other gentlemen of our country in these pairts, who should joine and goe along with us, the power and character of a counsell for managing the said undertaking, and all that related therunto; so as when wee came into

* "On the 17th of April there was a meeting at Amsterdam, at which "were present, the Earl of Argyle, Mr. Charles Campbell his son, Sir "John Cochran of Ochiltree, Sir Patrick Hume of Polwart, George "Pringle of Torwoodlee, William Denholm of West Shiels, George "Hume of Bassindean, John Cochran of Waterside, Mr. George Wi-"shart, William Cleland, James Stuart, Advocate, and Mr. Gilbert Elliot. "Sir John Cochran was chosen preses for that time." Crookshank's History of the Church of Scotland, Vol. ii. p. 369.

Scotland, others such as wee joining to our assistance, should also have access to and be joined in the said counsell for the said management.

3d, Wee nominated and choosed the Erle of Argyle, to be generall of our army, with as full power as was usually given to generalls by the free states in Europe.

4th, Wee appointed a person to draw up the declaration of war, to be given in to our next meeting.

In these things the Erle concurred very cordially, and Sir John, who, as president, subscribed the paper in our presence, and was appointed to keep it for us. Then wee spoke of the general termes of a declaration of war; and some wer desired to give in notes upon them, with there advice to the drawer; also persons wer pitched upon to be dispatched to severall places and persons in Scotland and Irland with messages, for preparing the countreyes against our landing as wee expected them to be concerned; & having at severall times discoursed the particulars, it was concluded, that such of us as had usefull advises in any particulare to give these messengers, should give them in private, and hast them away, since good opportunities for their passage then offered: And this last was quickly done, and they sent off: Some off us wer also comissionated to call together the ministers at Rotterdam

for advice and concurrence in their station; and all wer desired to make ready for sailing, which wee presently set about.

By this time the Duke of Monmouth having his returns from England, some of us went to him, and got from him full and satisfying accounts of particulare and good encouragements, and saw the letters he had received: We also comunicated too and againe with him what was done among forreigners; and wee collected from all that no more needed be done at present, since wee had so good ground to beleev that France would not be suffered to trouble us; but indeed wee had further hopes given if wee wer able to keep the feild but for a little; the Duke pressed us to make haist, saying, he would be ready before us: Some of us went to Rotterdam, called the ministers together, and 13 having met wee proposed distinctly our designe, desired their opinion of it, and that some should goe along with us; they, after advising together, declared their good liking & approbation of our undertaking, as a great duty, and offered to join us as wee judged necessary. Wee pitched on some of their number to goe along, who condescended, and after did accompany us: Then wee set about the declaration of war, which, with much paines, and after many alterations and amendments, was concluded & aggreed on, so as all wer satisfied; albeit some of

us did not please the exemplifying greivances mentioned in the narrative, so much, as fitter to be reserved for fuller papers; but others pressing it, they wold not oppose. In the mein time the armes and amunition wer divided, and put a-board the 3 shipes, as was resolved, but not so orderly as had been fit; which came after to make trouble on taking out what was wanted. Coming back to Amsterdam, some of us, having satisfied the Duke of our declaration, wer called to consider that for England; and after arguing & amendments settled it, and adjusted the two to one and the same purpose in the declarative pairt; the narratives being fitted to the different circumstances of the two nations.

All now being in readiness, 3 of us goeing together to take leev of the Duke of Monmouth, he gave us assurance that the 6th day after our parting from Amsterdam towards Scotland, he and those with him should take ship for England; he told us that he found Argyle was fond of the western isles of Scotland, and that wee thought it unfit to make stay there, but to haist to the Inlands; that he was altogether of our opinion, & intreated us that wee might hinder his stay, & get us quickly to the Lowlands; for said he, if I did not know you are able to over-rule his inclination in this, and to effectuate it, I should not stir a foot. Wee engaged to doe the uttermost wee could. Then, having resolved how to correspond with him, wee

tooke leev: upon the 28th of April, the last of us tooke boat at Amsterdam, and went down to the Anna, the best ship; wee found the Sophia lying by her, and many of our goods in scoites yet to be putt aboard: The David was fully loaded of what was to be put aboard it, and past the Vlie, having showen the passportes to the visitors, and got their pass, and so was clear to saile whenever the rest came up. The 29th and 30th dayes wer spent in loading the Anna and Sophia; the last day a large scoite came rowing round us, [* veing with prospects,] which we understood to be some of the Duke of York's English spyes; who after went in to the Vlie, and returned quickly to Amsterdam. May 1st, wee sailed downe to the Vlie and put out the token for the visitors (appointed by the States to come and see our pasportes) from Amsterdam; they not coming, the Erle proposed to saile on; it was told him that if we should break away unvisited, a frigate of war waiting there would fire on us and persue us; and might probably sink or take both ours, not being of strenth to resist; beside, that those who wer to returne, and had served us so stedally would be taken and ruined, if wee should escape and get away; therefore wee resolved to send in to the Vlie those who wer to goe backe, and desire the visiters to come out to us; if they refused or delayed, these sent in would save themselves by witnessing there

* Sic. Viewing with telescopes is evidently meant.

having desired them; and if they came not to us by such an hour, wee would then saile upon our hazard: This the Erle said, they would come, but so as to man our shipes and take them, and he doubted not but the English consul had prevailed so far as to order that: Wee told him that was not likely, for ther had not been time to procure the States order, without which they could not doe it; also there was no frigate there, but one which waited on another account; and if they came with armed men in scoites, wee wer too strong for them, & would think small hazard to fight them. The Erle not being able to divert us, said he would leev us and goe to the David, and instantly did so; which wee thought strange of, that he should take a place of safety and leev us on these termes: A little after, when wee wer a sending into the Vlie, wee discerned a flag boat coming, which, as we guessed, caryed the visitors; wee putt our men under deckes, and they came aboard us: Our merchants produced their passportes, and entertained them kindly; they wer very civil, gave us their pass, and very heartily wishing us happiness, tooke leev and left us *. Wee presently sailed and got downe the

* The observations of D'Avaux to his court, shew how imperfect the information obtained by the English and French ministers at the Hague about this expedition and that of Monmouth's was; as well as respecting the conduct of the Prince of Orange, and of the magistrates of Amsterdam, which two parties appear to have agreed in nothing, but in not giving any interruption to these attempts. D'Avaux, Vol. iv. p. 181, 182. Vol. v. p. 1. to p. 33. and p. 39. Note of the editor.

lenth of the David without the Vlie; the Erle seeing us came quickly aboard the Anna againe, told us he had been visiting the David, found all well ordered there; but it wer fitt one should be there of note & discretion to comand; and if we would stay in the Anna, (for one was ordered in the Sophia some days befor,) he would himself go to the David and saile there. Sir John Cochran said that could not be, but his Lordship must be in the Admirall ship; but that he and his son would go thither; this the Erle did not relish, saying he must be with him; then I (understanding pairtly the cause of the motion, there being already in the David fitt enough to comand, and reflecting upon the heat amongst us before the Erle left us) offered myselfe; the Erle was sattisfied, and said I might take 4 or 5 with me, whom I pleased: I pitched on 5 who I knew liked to be together; and taking leev, desired the Erle that when any calme was, or convenience, the counsell might meet; he said wee should, and would have time enough: As wee wer to goe, several gentlemen inclined to have gone with us; but the Erle petting at it, forbare and stayed there: When wee wer got aboard the David, on Saturday, 2d May, at 7 o'clock in the evening, all 3 ships set off with full saile before the wind; all the company wer as hearty as possible, and a more prosperous gale was never seen; for without coming near any vessell, and seeing very few, upon Tuesday, the 5th, in the morning, wee came to the mouth of Mur-

ray frith: And the Admirall lying by, the other ships did in like manner: The Erle had thoughts of going up the Firth, but changed and set saile again for Orkney; and on Wednesday, about noone, we came to anchor at Cairston. As wee wer comeing in, a boat went off the Anna to Kirkwall, with Dr. Blackader and Mr. Spence, who wer appointed to return to us the next day at noone; but that same night they wer seased on by the Bishope's order, and made prisoners; which wee got notice of next day in the afternoone: This troubled us much; wee went aboard the Admirall, & the Erle disowned the sending of them; only said he complied with their owne inclination, and since they wer goeing gave them some things in comission; but in all this no advice was taken; then many of us pressed ernestly that all the shipes should saile before next morning to Kirkwall, land 5 boat fulls of well armed men, under the safeguard of our canon, and relieve our prisoners at any rate; in respect the adventure was probable, and the danger not equal to the tash and affront so airely got, or to the loss of such two; beside that to leev them, while in our power to rescew, would be great discouragement to those with us, who wer so bent on relieving them, and to those wee wer to come at in the countrey, by the noise of it. The Erle and Sir John opposed this motion vigorously, against much pleading to persuade

them *: the Erle said he had thought of a way wherby the Bishop should be made glad to send them: Wee told, the Bishop though never so much inclined, durst not send them because of the State: But all could not doe; the Erle sent into Cairston, and surprised Mr. Stewart of Gramesoy, two Grames, brothers to Grameshall, one Mowat, and one Croftes dwellers there, and made them prisoners: He himself wrote to the Bishop, and caused them write, that our prisoners might be sent for exchange of them, and assured them, if they came not by 10 of Saturday morning, we would be gone, and whatever measure our two got, should be given to them: But though wee stayed till 2 afternoone, no return came, and the Erle would stay no longer; so wee sat saile towards the Lowes. The wind serving as wee wished it, wee came betwixt the mane and the isles till wee wer upon Argyleshire: The Erle sent his son Charles to some of his friends, who would not meet or speak with him, much less

* Mr. Fox, relying on Woodrow, says, "Argyle, with his wonted "generosity of spirit, was at first determined to lay siege to Kirkwall, "in order to recover his friends; but partly by the dissuasions of his "followers, and still more by the objections made by the masters of "the ships, to a delay which might make them lose the favourable winds "for their intended voyage, he was induced to prosecute his course." Mr. Fox's Historical work, p. 184.—It will be seen by reference to Woodrow how different an account he gives of many other matters in the course of this narrative.

come near the Erle: Mr. Charles returned, and endeavoured to put a faire face on things, but gave us the newes that all the gentlemen, friends to the Erle, wer prisoners or on bond at Ed^{r}; but that wee would not want comons enough. The Erle was discouraged at it, but especially that some of whom he expected, otherwise would not come & talk with him; yet strove to put on a good countenance: wee heard also that 600 Highlanders of the Marquis of Athole's comand, wer spoiling Eyla; a place wher the Erle expected many men and armes; and speaking with some of us together, he resolved to land their, and surprise them; so wee landed in the dark of the night, and marched through the country to Kilmelrow, the best towne of the isle, wher wee heard they wer, and whither we came airely in the morning; but they had got intelligence and wer fled away, taking with them all the armes in the isle of any worth; leaving only a few trash which wee got, with a few men, whom wee armed and carried along with us; and sailed, the wind never failing us, to Kantyre, wher wee landed at Cambeltoone; ther wee printed our declaration, and the Erle did what he could to get men; but, as in Eyla, they came also here very slowly, and as it wer by constraint: But the Erle had sent Mr. Charles againe on the maine land to levie men, and had got some account from him which pleased him: here we found some Lowlanders, honest intelligent people, who

joind heartily and for the cause sake (which to say truth was no motive with the Highland comons, for they neither understood nor valued that; but kindness to the Erle prevailed with them; a few others came as it seemed to get our new armes, and steall away;) these advised us to make haist to the Lowlands, as indeed we inclined much to doe, & ernestly pressed the Erle to think of it, and to hold a counsel; he said, since we wer to get men here, and had hope of a good number, wee could not goe, but might send some to prepare the countrey; as for a counsell, there was no present need, nor could he get time to attend it, for modelling and arming such as came. His way here was to stay ashoare all day, still busied about something, and to return at night to his ship; but obliged some of us alwise to stay in the towne upon some plausible reason of bussiness to doe: Wee in the mean time prepared dispatches for such as wer to be sent to, to try the readiness of the Lowlands; and to them gave instructions, and sent them off to several places. Mr. Ailloofe, Mr. Rumbold, & Mr. Griffith, English gentlemen that came along with us, wer here designed for charges; Ailloofe and Griffiths for Collonell and Lieutenant Collonell of a foot regiment, and each got a company; Rumbold for Collonell of a regiment of horse, & got a troope: Other persons, not to be named, got companies, being of that country, but no comission was yet given; wee that stayd ashore, dis-

coursing together, it was moved that the counsell might meet & comissionate the officers already designd, and also such others as wer fitt for charge, as most who came from Holland wer; that by the naming many Collonells, (for wee thought of naming no higher as yet,) Lieutenant Colonels, Majors, and Captains to horse and foot, wee might encourage & have the greater credit among the comons; and that till we came in the Lowlands, wher these wer to make levies, they should march in one company of officers, with comanders for the interim, upon them; and that for the comand of all the Highlanders that could be got levied, officers of all sortes might be comissionate of their owne gentlemen who would joine us and accept: This motion Sir John Cochran resisted mightily, alleadging it a vaine thing to comissionate Collonells or Captains, &c. without regiments, troopes, and companies, till wee came in the Lowlands and got sogers (though most already designed wer in that caise) and as for the Highlanders, it was not fitt that any of us should medle to name officers to the Erle's men, who did best know the persones of his owne country, meet to comand: It was answerd, that the Erle might choose and name them, by what advise he pleased; but the counsell was to give them comissions, and these two did very well consist; but he would not be persuaded, knowing that the Erle aimed at the sole power of giving comissions; yet he never adventured to practise it, finding that it would not pass.

In a short time, wee got very encouraging returns from the Lowlands; and ernestly pressed the Erle that wee might divide, and some of us goe thither; he seemd satisfied, but withall told us that his son Char:, and other gentlemen, wer at Tarbot-castle, with 1200 men; and if we would saile the ships thither, & many boates wee had, he, with Sir John and a good pairt of the sogers, would take a land march throw Kantire, levie the whole country, and joine them; and that then we might goe to the Lowlands with a considerable division of men (for it was not fit to goe too single) and he with another considerable pairt, would stay there, levie men, and act against Athole, or as occasione fell in. Sir John was for dividing and parting presently, but the Erle being wilfull, and the motion resonable he made, and the work but of 24 houres, we wer most of us of the Erle's opinion; so he marched, and we sailed; came to Tarbot, and found our friends at a rendevous here: We made, of horse and foot, 1800 men: Here the Erle, in printing a declaration concerning himselfe, and in modelling the men, spent more time than needed (as indeed he did likewise at Cambleton) for all wee could doe to haste him on: Here also he got accounts of the oppressions that Athole's men did about Inverary, and tooke the fancie, the unluckie fancie, of beating Athole and his men from that place, before wee should goe to the Lowlands: This vexed us exceedingly; we told him, that Athole having the castle, might keep it till

he got succoures in dispite of us; that his men would sculke and keep from fighting of purpose, till the inland forces and militia should get together, and incapacitate the best places of the country from joining when wee came; and very likely either hinder our landing, or give us no time to gather, but force us to fight too soone. He answered that our shipes might sail to Lock Fine, and ly before the castle of Inverary to molest them with our guns, and the army might march by land, and fight them out. It was replyed, that the ships with our armes and amunition, could not goe; for the English frigates (of which we then had heard that they wer at Aire) would easily come to Lock Fine, and catch our shipes and stores, so as there could be no escaping; and for fighting Athole's men, it was sure they wold retire from us, of purpose to keep us up in that place: He, finding so great aversion from that motion, both in gentlemen and seamen, said he was willing to goe altogether to the Lowlands, but the Highland gentlemen could not be inclined to leev their country under the enemies feet, and goe with us: Wee took what paines wee could with them, and desired the Erle that it might be proposed to themselves; who getting them together proposed it to them, as a motion from the Lowland gentlemen: They desired to goe apairt to talk among themselves of it, and very soon returned againe, and unanimously agreed that it was the best to goe to the Lowlands; and declared they would leev that

country and their intrests, to what hazard so ever; for they doubted not that wee would see their damages repaired, if wee prevailed in the Lowlands; which was the place indeed to be reckoned upon for the support of our bussiness, and not the Highlands: Wee wer well pleased at this answer, and assured them of what they expected, if we should prevaile: The Erle said litle, but seemed determined, and being late, they parted. Next day he made a new motion, that he thought wee wer so many men as might serve, both to goe to the Lowlands with us, & stay with him in that countrey, as he inclined; wherby he might get more men ther, chase Athole's men out, or at lest protect the countrey, and put the inland forces, or pairt of them, to be sent that way; whereby wee in the Lowlands might levie with the more ease: Wee condescended heartilie to the motion, sate with him, agreed what men, armes and amunition should go, and what ship: He made a step out from us, and in half an houre after called out Sir John, and retreated from all condescended to; which so madded Sir John, and the rest of us, that every one discernd great dissatisfaction amongst us; but provisiones falling scarce, wee wer almost forced from thence; so putt all aboard ships and boats and sailed towards Boot: On the way tooke a timber ship, who had seen the English frigate the Fisher. In the evening we landed at Rothsay in Boot, & lodged there; next day people wer sent out to drive in kowes for meat, and some partyes to severall places

in the isle, Sir John Cochrane and I went in the Sophia and David, up Clide to Greenock, intending to get meat there for the camp; wee discerned a strong party of horse coming toward the town; when they came at it, I caused fire 2 guns, which putt them from their ground; they marched up the hill: Sir John was for landing men, but I was against it, because wee had but few, and only 3 ship boates, that could not cary above 20 a-piece, at most, rowers and all; yet Sir John sent two boats full with a person I had a great kindness for, Mr. Fullarton, comanding; I, seeing this, sent a boat full, and went myself in a litle pinace with other 6, all it would hold; Fullarton's boate only was landed, when the pinace came ashoare; he drew up 12 firelocks in a little yard, seing as many horsemen coming towards him; Jhonston of 'y^e^ Jlk younger comanding the partie, held up a hankerchief; wherupon Fullarton with 3 went out to parly, but while parlying, Jhonston fired on him, then ran off; the other fired after him, and as some other of the horsemen came up to fire, the other 3 with Fullarton fired, and beat them off: By this time other two boates with men landed, and wee came, & joining Fullarton, drew up the whole pairty together; but our great gunes played over us, as I had ordered, came near the body of horse, and made them reell; so they marched off over all the hill, & left us: then Sir John landed, and we went in the towne, and tooke some meal out of a

girnull, and a pretty barque out of the harbour, and returned to Rothsay.

While wee wer away, the Erle had caused burn the castle, because a house of his had been burnt in Cowall; this vexed us much, because it savored of private revenge, and wee disliked these methods: Also he had sent Mr. Charles into Cowall to get some more men, but getting few, and wanting amunition, was pursued by Athole's men; and leaving his party too inconsiderately to fetch some amunition, they imediately run after him: Athole's men pursued, kil'd some, took a few prisoners, the rest escaping into Eylandgrig castle: This affront made the Erle more intent on fighting Athole's men, and backward of going to the Lowlands, so as wee wer put beyond all patience; so that meeting together, comission was given by the rest to Sir John and mee, to treat with the Erle perempterly on the point; the Erle would gladly have shifted, but being pressed, fell in great passion: Sir John ceded, but I insisted in high termes with him; so as he came, as afterward appeared, to suspect that wee would comand the shipes, and goe without him: But he yielded not, only desired 24 hours delay, and he wold satisfy us all what he would doe; he went in boat imediately, and viewed Islandgrig castle; at his returne he told us, that the English frigates being on the coast, wee could not saile with our armes and amu-

nition aboard to the Lowlands; for beside that they might fall on us at sea, and sinke us all, we could not get time for them to lever and take out our store: but he had found a strong place wher to put our store, which was within so narrow rocky passages of sea, as no man of war durst adventer it; and the castle in an isle within the lock, that no cannon could be brought to it by land; and if we would saile thither to see it, he would take us by the Keiles of Boot, so as wee should have it in our choose still, whither to unloade, or goe loaded to the Lowlands; to which if we inclined, there wer such wayes of escaping among these Keiles, that in dispite of many shipes, wee might saile whither the frigates should not discerne. Sir John yielded; others advised to comand one or two of the shipes, and leev the admirall, and the two prises, & severall small barques with open boates, with Argyle; and indeed wee wer masters of the seamen, who wer ready to obey us, whatever the Erle should contradict; but I could not condescend to part in that manner. I persuaded them to comply with him for these reasones: 1st, That such a breach would be shamefull. 2d, That if we wer catched by the way, or not succeed in landing, or suffer in landing, the ruines of the affaire would be charged upon us. 3d, I did really believe that he would oppose us by force; for he had comanded companies of Highlanders aboard all the shipes. 4thly,

That his overture caried somthing of reason in its alternative, if his suppositions hold: By these arguments they wer diverted, but John Cochrane, who caried worthily all along, with the greatest difficulty: Here wee got returnes from Irland, by our messengers sent from Holland thither, very satisfactory.

Wee sailed neer Eylandgrig, straite and difficult passages indeed, saw the castle which the Erle was so fond of, and being asked how wee liked it, some told the Erle it signified nothing; I, having advised with the seamen, who told mee that the frigates might come up if well piloted, indeavoured to dissuade the Erle to put the store in the castle, as certainly being safer in the shipes; he said I had not skill, but was much mistaken: This question was quickly decided by the frigates their blocking up the two passages wherby only our shipes could get out; they being at the first piloted in, whither the Erle thought they durst not adventer; yet he said still, they could not come the lenth of the castle, the passages being much narrower; and indeed our shipes, tho' far less than they, could hardly get up: Here was all the amunition & good armes put up, the castle garisond, and an earthen fort built, on which our best ships gunes wer planted, none being above 5 or 4 pounders; on a fancie, but a foolish one, that if the frigates should get up; these

guns would cut their shrowdes and tackling, at greater distance, than their 30 or 28 pounders would batter the earthen new made fort.

While the shipes wer unloading, and fort making, the Erle comanded Collonell Rumbold with the horse, & Major Henderson with 300 foot, who marched by land to the side of Lock Fine over-against Inverarie, and so up the lockside to Arkinlas; some 500 of Athole's men came marching about the Lockhead, a short way towards them; they engaged, and our men did well, killed severall of them, but could not force them to a closs fight, or from their strong grounds, where they made a show of salying and skirmishing: Notice came to Argyle, who immediately comanded the army to march to Inverarie ward, for assisting our men, who wer said to be engaged and need aide. The voluntiers that came from Holland had chosen mee to leed them as a modelld company, yet wer very averse from marching thither, (though I ernestly pleaded to persuade them,) alleadging plainly, that it was but a trick of the Erle to engage us against Inverary; and that our pairty was not engaged; yet I prevailed with them, by promising that if they wer not engaged already, who wer there, and that Athole's men would not fight us at our coming, I should instantly returne with them, and take what course they should resolve upon: The Erle hearing of their aversion, and not

expecting them along with him, but that they intended to pairt for the Lowlands; gave an order to the cõmander of the castle, and ordered of the fort and shipes in his absence; that if any persons should goe away, he should disarme them; but this wee knew not till wee returned. All marched about a mile, when notice came to the Erle, that ther was no engaging or forcing Athole's men to fight; and that they sought only to gain time: When our men assaulted, they tooke to the rockes and strong grounds; when they retired, then they offered to pursue, and only skulked too and againe so, and seemed to intend no other; so wee imediately marched back to Eylandgrig.

The fort being compleated, the Erle resolved to march wher wee might get some victualls and provision, which was fallen very scarce; but still bent on Inverarie, would hold that way: Wee pressing still for the Lowlands, he motioned that all the lowlanders, gentlemen, and voluntiers, should be mounted on the best horses wer there, & with some loades of armes and amunition, march imediately to the Lowlands, by the head of Lock Long: Wee wer satisfied, but what fate was in it, he imediately, in less than halfe ane houre, resisted, and would needs have all goe one way: Then he offered to take the shipes, and adventer by the frigates, either the one passage or the other, and fight them; and that in the mean time, the boates might

steell by with the rest of the men; wee consulted the seamen, who said it was very madnes to offer it: Wee had not one gun could hurt them, neither instruments for boarding, nor fitt men; every gun of their's could sink us, and wee could not pass without musket shot of them, the passages wer so straite wher they lay. On these grounds, all most true, wee answered, the attemp wer unreasonably disparate. Then he came to resolve to march to the Lowlands; but many of the Highlanders wer run away with our armes, which made him ashamed, and to fret mightily, & very ernest to make them up againe; but truth is, wee could get no meat for whom wee had.

After setling the comand of the garison & fort, & great trouble in persuading the seamen to stay in the shipes, which they wer ordered to sink, (if the frigates should pass the castle and come to them,) & flie into the castle; we marched to Glen Durowle, wher he stay'd three dayes, doe what we could, in the contrey hoping to make up men; but insteed of that more run away watch what wee could. Then we marched another day to Lock Streen Head, & being forced to draw in cattell of the country for meat, such as in that place came in to us, went almost all away; and they who stay'd, having neither meat nor bread, wer sore straitend. Here the Erle finding the 3000 Highlanders he had reckoned upon come very near 300

spoken of (for they wer not above 500) besides the Lowlanders fled from the inlands to Kantire before our landing, who had joined us; some more with the voluntiers from Holland then 300, was inexpressably damped and discouraged. Sir John and I endeavoured what wee could to encourage him, and haist him to the Lowlands, for the few with us wer hearty enough; so wee marched and crossed Lock Long troublesomely in boats, and lay on the rockie side of it all night. In the morning came the whole men of the garison, fort, and shipes, with newes, that the frigets came up closs to the castle; and laid open all their great guns so formidably, as made them (perceiving that they would quickly batter downe both fort and castle, and being certainly informed, that Athole with 3000 men, being advertised from the frigetes, was coming thither and within 3 miles,) haistely to leev the shipes unsunk, and the castle with the whole amunition and armes, to the enemie, (the blowing up which the governor comanded and intended misgiving,) who got all in their hands.

At this newes, the Erle and all our men wer greatly surprised and dispirited, but he marched on to Lock Gaire; and here I had much adoe to hinder many of the voluntiers from parting downe Lock Long, to take their hazard in any Lowlands they should come at: The Erle intreated us by a message to come on 2 miles farther, to Lock Gaire, to resolve and take a joint

course; with great work I persuaded them; but at my coming, insted of consulting, Sir John told mee the Erle was resolved with all haist to march over Leven water, and fight the Lowland forces wherever wee found them; he told mee also, the intelligence that Huntly was coming up with many men to joine Athole, who would quickly be upon our heels; that Dunbarton, with the standing forces and militia, was about Glasgow; and presently, I found that all these newes were dispersed among our men, and they hugely disheartened: I told Sir John that was the madest course in the world, and gave the reason I afterwards exprest to the Erle; but albeit he saw all others convinced and of my opinion, he would not condescend, nor (such a faite was in it) so much as goe along with mee to reason with the Erle; so I went alone, & he telling me his present resolution, without asking my advice, I repeated the same things I had talked to Sir John & the gentlemen: That our armes and amunition being now lost with our ships, & our men thereby exceedingly discouraged, and most pairt run away; it wer madness for us to keep together, or think of fighting the forces in a body, to lose the remaine of our hopes in one desparate attemp; but that the best was, that he and his Highlanders should march bake by the head of Lock Long, wher he had said there was a pass, which 100 men would easily maintaine against 1000, to Argyleshire; wher he might probably

get more men, and wher his Highlanders would fight, if any wher, being their owne intrest; and wher he might easily shun fighting, and levieing the countrey, march to enemies' lands; which might render, both Athole's men, who already wer breaking homeward, and Huntely's suspicius; and cause them either march together, for defending their oune, or els run away from their leaders to their oune countrey: But without doubt, he might recruit himselfe, by the whole harassed people about Inverarie, whence now Athole was parted, and through all Argyle and Lorne; and make a good shift till he should hear of us; and that wee should divide the voluntiers and lowlanders, being within three hunder and fiftie in number, equally, one halfe to goe doune Lock Long in boates now ready; the other halfe doune Lock Gaire, to land at 2 distant places very fitt, which I named, wher no forces wer at present; mount on horses, such as they could not miss of, for dispatch in marching; and march to strong grounds in these countreys, that people might have easie get to us, and joine us: By this meanse, all should not be discussed at once; if one pairty wer broak, another perhapes might shift; or it might be the Lord would help us to gather up our crums, and bring us together againe. After much more discourse, the Erle remained obstinately impersaudable, & as opinitive and wilful as ever: But said, any that would not goe with him, might doe as they pleased; his intention was not to

fight the enemie if he could shift them, but to march straight to Glasgow, and there doe the next best: Some wer forced to comply, who could not think of parting, but by consent; and I againe persuaded the most unwilling, that we did not seperate.

This Tuesday, the 16th of June, we marched from Lock Gaire and crossed Leven at night, 3 miles above Dunbarton; having spent 5 weekes in the Highlands to no purpose, wherof the Erle alone was the cause; for Sir John was persuaded by him to goe cross to us against his own inclination; but this was the means to our ruine. We encamped on Leven side, and next morning marched airely, weary, and hungry enough, as I thought, to take the hill way for Glasgow; but it proved not so. About 7 in the morning we discovered a great pairty of horse, on a litle hill top very near us, they sent off a detachment towards us; but some of our horse going of to them they returned. Having no intelligence, wee thought the whole army was behind, and that a fore pairty; and drew up ours in batalia, and stood to our armes above an houre: The Erle very discouraged came to mee wher I had drawn up the voluntiers; asked what I thought best to doe, for he had just now intelligence that the army was not at Glasgow; but he feared they wer not far from these horsemen, whom he considered as a fore pairty. I answered, it is not time now to make many words; send some horsemen to view

if the whole army be not there; why doe wee halt our march? Let us not again stop our march; but since wee are now betwixt them and Glasgow, let us keep strong grounds, and a strong rear-guard of our horse, and the voluntiers and Lowlander foot, and we shall be able to come thither in despite of them; and if they come hard on us, that wee needs must, our whole body shall fight them; he answered that is certainly the best of it, I will doe it: So wee marched, and I kept the reare-guard with the volentiers. Our march was in very good order; and in a litle the scouts came in, and told us the party of horse wee had seen wer only gentlemen and militia; and that none of the army was there: But insted of marching toward Glasgow, Sir John had persuaded the Erle to march to Kilmaronock, quite contrary, but not far off, for we came thither about 10 o'clocke: I expostulated with him; he said the men would not be able to march to Glasgow without refreshment; (but they would gladly delayed it till their coming thither rather than lose 3 houres march by that halt,) being over marcht and wearied already; and in truth wee all greatly needed both refreshment of rest and meat; and he had caused provide very well of victuals, so as all had a sufficient maile; but this halt proved fatall. About 2 afternoon wee marched whither I knew not, but supposed towards Glasgow; but indeed it was to the great road from Dunbarton to Sterling: The doeing this, & designe

of it, or reasons for it, wer concealled from mee; and none in the company of volentiers knew the countrey, or whither they wer goeing; and wee had not marched an houre, when some who had passed a litle burne and got up a litle hill on the van, discovered the army within a halfe mill of them, marching on the highway: Hearing this, I went over a horseback to view, found Sir John talking very high with the Erle of a brave advantage we might have of them; I knew not with what eyes he saw them. When I came, and had observed them, & him to, he asked what was my advice; I said, the same I had given before, to take the strong grounds, keep a good reare-guard, and not stop our march to Glasgow, nor fight unless forced to itt. He said it wer ane inexcusable thing to let so great an advantage slip; there was but a small pairt of the army there, and the defeating of them would make all the countrey flocke to us. I desired him remember how disheartened our men wer, how starved, how overmarcht, and how bent on Glasgow; also, what men wee could reckon would stand to it, not 500; in all wee wer not 900, and of these some wer still stealing off; and by what I had observed of them, many more would: Againe, that wee saw in view a regiment of red coat foot, and severall troupes of horse, too strong for us to attaque; and I assured him, he would find the whole army following toward Leven or Dunbarton, upon intelligence of us; thoe the covers

of the ground kept us from seeing of them (as it after proved) and therfor since evening was approaching, and wee could without being seen of them, or suffering our sogers to see them, put a great hill betwixt them and us, and let our horses be kerthing in their view, till the foot wer marched an houre; and then come off another way by help of guides wer there: The enemy, who wer taking a ground, would take some time to draw up; and certainly not venter on the hils and mosses, to persue, till the next day. All this prevailed not, our men wer drawen over the burne in view of the enemie, and before wee could get them drawen up, wee wer well convinced that the whole army and militia was there together; & our most inclined to fight, wisht to be off: Our men saw nothing but death; yet truly the Lowlanders, except a few persons who slipt off and escaped, and some of the Highlanders, shewed abundance of resolution. The Erle came to mee, and asked my opinion of the ground; I said I likt it not, and gave my reason; but shewed him a better hard by, which he preferred, and said we should draw up upon it; but such was his confusion, that indeed wee wer never put orderly in batalia. Wee stood to our armes till evening; the enemie encamped and kindled fires on thar ground, and so did wee: But when our fires wer kindled, the Erle told us wee should march off quickly, through the mosses at the nearest to Glasgow. So, wee marched with as much silence as we could;

at first in order, but that was suddenly quite, and our retreat became very fowle; for the Highlanders run, & crowded on the Lowland companies, broke their order, that every one was apt to tread downe another; so ther was no safety but being off them behind or at a side; wee marched hard the whole night, throw very bad, almost impassable ground: Next morning, being Thursday, June 18, wee came back to Kilpatrick, not above 500 men in all, sadly wearied; soone as I got downe the hill, very faint & weary, I tooke the first alehouse and quickly ate a bit of bread, and took a drink, and immediately went to search out the Erle; but I met Sir John, with others accompanieing him; who, takeing mee by the hand, turned mee, saying my heart goe you with mee: Whither goe you said I? over Clide by boate said he: I, wher is Argyle? I must see him: He, he is gone away to his owne countrey, you cannot see him: I, how comes this change of resolution, and that wee went not together to Glasgow? He, It is no time to answer questions, but I shall satisfy you afterward. To the boates wee came, filled 2 and rowed over; but a good troop of horse on Askine Green waited our landing, and came as near the water as they could draw up to fire on us; & planted some foot men and firelocks, behind some dry boates lying on the shoar: yet they wounded only one man. Wee shot hard among them, beat the men from their dry boates, wounded and killed horses, and made the rest well in dis-

order; so they marched away. Wee stay'd till such as wer to come over came over, in all about 100 men; then wee marched to a place to dine which I knew not; Sir John was busie, causing get horses taken, to help some of us in our march; and an honest gentleman who was present, told mee the manner of his parting with the Erle: Argyle being in the roome with Sir John, the gentleman coming in, found confusion in the Erle's countenance and speach; in end he said, Sir John, I pray advise mee what shall I doe; shall I goe over Clide with you, or shall I goe to my owne countrey? Sir John answered, my Lord, I have told you my opinion; you have some Highlanders here about you, it is best you goe to your owne countrey with them, for it is to no purpose for you to go over Clide: My Lord, faire you well; then call'd the gentleman, come away Sir; who followed him when I met with him. Having got some country horses, about 10, such as wer lest able to walk mounted, and wee came to the place wee designed to eat at, upon a hill; thither the troope with some joined them persued us. Sir John would have us divide in three parties, and goe over a litle deam to charge them; I would have them takeing meat, and sitting a gaird, on a stone dike to defend the deam by turnes; that wee might not loose time, but get at a strong moss, he intended to be at, before night; but he gave me a reason to satisfaction. Wee drew up, marched out, and putt them from their

ground; for they wer only come to dog us till more forces came up: Wee returned, and all who had gone out, about 90, (the rest being Highlandmen fled over the hill in our sight) tooke meat and marched presently to Luton bridge; the troop keeping sight of us the whole way. We had stay'd but a litle there, when we got an alarm; wherupon wee marched up the hill, and severall Highlandmen slipt away by the backs of the yaird dikes; some took leev and pairted: Those who resolved to die on that ground, and to sell their lives at as worthie a rate as they could, march'd up; and seeing themselves surrounded with squadrons of horse and dragoons, wer not at all dashed, but expressed much courage: Wee had scarce time to take up a ground, in the place called Moure dikes, in a little closs of stubly ground, within a low ston dike, and to draw up, when a strong troop appeared to assault us: Sir John, who caried with as much bravery as any man could doe, conceiving the troup to be his nephew the Lord Rosse's, intended to have bespoke him, and had begun on horsebacke; but unluckily one of our men fireing his gun, they fired on us; and Sir John being interupted, got from his horse, and with abundance of danger joined our body; & caried the markes of severall pistoll shot on his buff coate. Wee beat them off with sore stroakes; yet only one of them lay on the place, in that charge, which was given upon our left hand: Then another

party came imediately from the body above us, and charged on the right hand; ours received them most courageously, beat them off in disorder with smart blowes; and Captain Cleland who comanded, lay dead on the place: After that, the strong body below us advanced; but our men wer very ready, and received them briskly, that they approached not to the dike; & imediately a strong troup on the left hand charged furiously, and got in over the dike, a litle below us, and charged us closs: But our men fired hard and home, run on them with that spirit, that they broke them in pieces, and beat them off in great disorder; for they earied sore blowes at that incounter; for I did perceive our shotes gall them. Ther horse charged no more, but some dragoons on foot came to charge on our right hand; but wee quickly made them run to their horse: Then they planted on a dike above us, and played on us with rifled guns and firelockes, and wee on them; by which ther was slaughter and wounds on both sides; and so night came on. Wee advised what to doe, and resolved that by night, wee would fall out upon the squadron above us on the right; and if it wer possible, to get to a strong moss before morning; for we knew that they had sent for foot to fight, and overpoure us; but finding that they wer drawen off the ground, wee marched off quietly, unperceived; and marching all night, came to a safe hiding before the morning; wher wee lurked all that day. Wee had

no men kill'd in the action, but 4; few more wounded; but it was caried with that readiness of courage, that wer I to choose 75 men upon my life's hazard; I would not reject one of that 75 (and no more ther was) that came of that night. The next night we marched againe, and came to another lurking place; stay'd till night, engaged among us never to part but by consent: And late, Sir John got notice Argyle was taken, and his party quite broke; wherupon he came and told us, that now it was impossible to stay together, but we must pairt, and shift each for himselfe; so wee condescended, and pairted.

And this narrative is true, not full, for I am forced to conceall names of persons, places, yea countreys, till a freer time. I have written this haistily, and had not time to correct errors in the write.

APPENDIX,

CONTAINING

N° 1. LADY Murray's Narrative.

N° 2. Letter from the Earl of Stair to the Earl of Marchmont.

N° 3. Refutation of Bishop Burnet's Charge against Monk, respecting the Marquis of Argyle's Letters.

N° 4. Account of the Persecutions of the Quakers in New England.

N° 5. Proceedings respecting the Application of Torture in Scotland.

N° 6. Observations on the Degree of Reliance to be placed on Bishop Burnet's Statements of Historical Facts.

N° 7. Copy of the Enrolment in Chancery of Charles the Second's Declaration that he was not married to the Mother of the Duke of Monmouth.

N° 8. Paper containing an account of the Behaviour of the Duke of Monmouth from the time of his being taken till his Execution.

N° 9. Diary of Sir Patrick Hume; in the March from Exeter to London in November 1688, with the Prince of Orange.

N° 10. Short Sketch of the Character of the Prince of Orange, by Sir Patrick Hume.

Appendix, N° 1.

REFERRED TO IN SIR PATRICK HUME'S NARRATIVE, P. 4.

INFORMATION respecting the Concealment of Sir Patrick Hume under the Church of Polwarth, when he escaped from the persecution of the Duke of York.

SIR Patrick married Grizzel daughter of Sir Thomas Kerr of Caverse. Their eldeſt daughter Grizzel was born at Redbraes Castle 25th December 1665. She when only twelve years of age commenced (as will afterwards appear) a very interesting intimacy and friendship with George son of Mr. Robert Baillie of Jerviswoode, to whom ſhe was married 17 September 1692.

Of this marriage there were two daughters—

Grizzel who made an unfortunate marriage with Sir Alexander Murray of Stanhope, and Rachel who married Charles Lord Binning eldest son of Thomas sixth Earl of Haddington.

Grizzel Lady Murray left a MS. wrote by herself, which is in the poſſession of the present Mr. Baillie—amongst other particulars it contains

"Facts relating to my Mother's life and character.

"Mellerstain December 12th 1749."

LADY MURRAY's NARRATIVE.

Sir Patrick Hume and Mr. Robert Baillie were intimate friends, and very strictly connected, from their being of the same way of thinking in religion and politics.

When Mr. Baillie was first imprisoned, Sir Patrick sent his daughter, Grizzel, from Redbraes to Edinburgh, with instructions, to endeavour to obtain admittance, unsuspectedly, into the prison; to deliver a letter to Mr. Baillie, and to bring back from him, what intelligence she could.

She succeeded in this difficult enterprize; and having at this time met with Mr. Baillie's son, the intimacy and friendship was formed, which was afterwards completed by their marriage.

1684. During the period of her father's imprisonment, she attended to all her mother's directions. When Mr. Baillie was again imprisoned, Sir Patrick Hume thought it adviseable to keep himself concealed.

The MSS. facts give the following Account of his Concealment: "After persecution began afresh, and my Grandfather Baillie again in prison, her father thought it necessary to keep concealed; and soon found he had too good reason for so doing; parties being continually sent out in search of him, and often to his own house, to the terror of all in it; though not from any fear for his safety, whom they imagined at a great distance from home, for no soul knew where he was but my grandmother, and my mother, except one man, a carpenter called Jamie Winter, who used to work in the house, and lived a mile off, on whose fidelity they thought they could depend, and were not deceived. The frequent examinations, and oaths put to servants in order to make discoveries were so strict, they durst not run the risque of trusting any of them—by the assistance of this man they got a bed, and bed cloaths, carried in the night to the burying place, a vault under ground at Polwarth Church, a mile from the house, where he was concealed a month; and had only for light

an open slit at the one end, through which no body could see what was below; she went every night by herself at midnight, to carry him victuals, and drink; and stayed with him as long as she could to get home before day. In all this time, my Grandfather shewed the same constant composure, and chearfulness of mind, that he continued to possess to his death, which was at the age of eighty-four; all which good qualities she inherited from him in a high degree; often did they laugh heartily in that doleful habitation, at different accidents that happened. She at that time had a terror for a church yard, especially in the dark, as is not uncommon at her age, by idle nursery stories, but when engaged by concern for her father, she stumbled over the graves every night alone, without fear of any kind entering her thoughts, but for soldiers and parties in search of him, which the least noise or motion of a leaf put her in terror for. The minister's house was near the church; the first night she went, his dogs kept such a barking as put her in the utmost fear of a discovery; my Grandmother sent for the Minister next day and upon pretence of a mad dog, got him to hang all his dogs; there was also difficulty of getting victuals to carry him without the servants suspecting; the only way it was done, was by stealing it off her plate at dinner, into her lap: many a diverting story she has told about this, and other things of the like nature. Her father liked sheeps head, and while the children were eating their broth, she had conveyed most of one into her lap; when her brother Sandy (the late Lord Marchmont*) had done, he lookt up with astonishment and said, mother, will ye look at Grizzel; while we have been eating our broth, she has eat up the whole sheeps head: this occasioned so much mirth among them, that her father at night was greatly entertained by it; and desired Sandy might have a share in the next. I need not multiply storys of this kind, of which I know many. His great comfort and constant entertainment (for he had no light to read by) was repeating Buchanan's Psalms, which he had by heart from beginning to end; and retained them to his dying day; two years before he died, which was in the year 1724, I

* The second Earl; whose elder brother was then living.

was witness to his desiring my mother to take up that book, which amongst others always lay upon his table, and bid her try if he had forgot his psalms, by naming any one she would have him repeat; and by casting her eye over it, she would know if he was right, tho' she did not understand it; and he miss't not a word in any place she named to him; and said they had been the great comfort of his life, by night and day on all occasions. As the gloomy habitation my Grandfather was in, was not to be long endured but from necessity, they were contriving other places of safety for him; amongst others, particularly one under a bed which drew out, in a ground floor, in a room of which my mother kept the key: she and the same man workt in the night, making a hole in the earth, after lifting the boards; which they did by scratching it up with their hands not to make any noise, till she left not a nail upon her fingers; she helping the man to carry the earth as they dug it, in a sheet on his back, out at the window into the garden; he then made a box at his own house, large enough for her father to lye in, with bed and bed clothes, and bored holes in the boards for air; when all this was finished, for it was long about, she thought herself the most secure happy creature alive. When it had stood the trial for a month of no water coming into it, which was feared from being so low, and every day examined by my mother, and the holes for air made clear, and kept clean pickt; her father ventured home, having that to trust to. After being at home a week or two, the bed daily examined as usual, one day, in lifting the boards the bed bounced to the top, the box being full of water; in her life she was never so struck, and had near dropt down, it being at that time their only refuge: her father with great composure, said to his wife and her, he saw they must tempt providence no longer, and that it was now fit and necessary for him to go off, and leave them; in which he was confirmed by the Carrier telling for news he had brought from Edinburgh, that the day before, Mr. Baillie of Jerviswoode had his life taken from him at the cross, and that every body was sorry tho' they durst not shew it; as all intercourse by letters was dangerous, it was the first notice they had of it; and the more shocking, that it was not expected. They immediately set about preparing for my Grandfather's

going away. My Mother workt night and day in making some alterations in his cloaths for disguise: they were then obliged to trust John Allan, their Grieve, who fainted away when he was told his master was in the house, and that he was to set out with him on horseback before day, and pretend to the rest of the servants that he had orders to sell some horses at Morpeth fair. Accordingly, my Grandfather getting out at a window to the stables, they set out in the dark; though with good reason, it was a sorrowful parting; yet after he was fairly gone they rejoiced, and thought themselves happy, that he was in a way of being safe; tho' they were deprived of him, and little knew what was to be either his fate or their own.

My Grandfather, whose thoughts were much employed, and went on as his horse carried him without thinking of his way, found himself at Tweed-side, out of his road, and at a place not fordable, and no servant; after pausing, and stopping a good while, he found means to get over, and get into the road on t'other side; where after some time he met his servant, who shewed inexpressible joy at meeting him; and told him, as he rid first, he thought he was always following him, till upon a great noise of the galloping of horses, he lookt about and misst him; this was a party sent to his house to take him up, where they searched very narrowly, and possibly hearing horses were gone from the house, suspected the truth and followed; they examined this man, who to his great joy and astonishment misst his master, and was too cunning for them, that they were gone back before my Grandfather came up with him; he immediately quitted the high road, after a warning by so miraculous an escape; in two days sent back the servant, which was the first notice they had at home of his not having fallen into their hands. He got to London through bye ways, passing for a surgeon; he could bleed, and always carried lancets: from that he went to France, and travelled from Bourdeaux to Holland on foot, where he sent for his wife and ten children; he was then forfeited and his estate given to Lord Seaforth. My Grandmother and Mother went to London by sea, to so-

licit an allowance for her and her ten children, where they long attended; and even though assisted by many good friends from whom they met with much kindness and civility, Lord Russell's family, Lord Wharton's, and others; all she could obtain for herself and them, was about 150l. a year; they then returned to Scotland, to carry over the children; and found my aunt Julian so ill, she could not go with them. My Mother returned from Holland by herself to bring her over, and negociate business, and try if she could pick up any money of some that was owing to her father.

Her sister was still very weak, so had the attendance of a nurse all the voyage, which happened to be very long. She had agreed for the cabin bed, and was very well provided in victuals and other necessaries. She found three or four more in the ship with whom the captain had also agreed for the same bed: a Gentleman who was in the cabin, as they all were, said to her, let them be doing (when a dispute arose who should have the bed, for she made none,) you will see how it will end—two of the gentlewomen went to bed, the rest lay down as they could best; my mother and her sister upon the floor, with a clog-bag of books she was carrying to her father for their pillow; then in came the captain, and first eat up their whole provisions with a gluttony incredible; then said to the women in the bed, turn out, turn out; and stript before them, and lay down in the bed himself; but he did not long enjoy the effects of his brutality, for a terrible storm came on, so that his attendance and labour was necessary to save the ship: they never saw more of him till they landed at the Brill.

From that, they set out at night on foot for Rotterdam, with a gentleman that was of great use to them, that came over at the same time to take refuge in Holland. It was a cold wet dirty night, my aunt, a girl not well able to walk, soon lost her shoes in the dirt; my mother took her upon her back, and carried her the rest of the way, the gentleman carrying their small baggage; at

Rotterdam they found their eldest brother, and my father, waiting for their arrival to conduct them to Utrecht, where their house was; and no sooner were they all met, than she forgot every thing, and felt nothing but happiness and contentment. They lived three years and a half in Holland, and in that time she made a second voyage to Scotland about business. Her father went by the borrowed name of Doctor Wallace, and did not stir out for fear of being discovered; though who he was, was no secret to the well wishers to the revolution. Their great desire was to have a good house, as their greatest comfort was at home; and all the people of the same way of thinking, of which there was great numbers, were continually with them: they payd for their house what was very extravagant for their income, near a fourth part: they could not afford keeping any servant, but a little girl to wash the dishes. All the time they were there, there was not a week my mother did not sit up two nights, to do the business that was necessary: she went to market, went to the mill to have their corn ground, which it seems is the way with good managers there, dress't the linen, cleaned the house, made ready dinner, mended the children's stockings and other cloaths, made what she could for them, and in short did every thing. Her sister Christian, who was a year or two younger, diverted her father and mother and the rest who were fond of music; out of their small income they bought a harpsichord for little money (but is a Rucar *) now in my custody and most valuable. My aunt played and sung well, and had a great deal of life and humour, but no turn to business; though my mother had the same qualifications, and liked it as well as she did, she was forced to drudge; and many jokes used to pass betwixt the sisters about their different occupations. Every morning before six, my mother lighted her father's fire in his study, then waked him (he was ever a good sleeper, which blessing, among many others, she inherited from him) then got him what he usually took as soon as he got up, warm small beer, with a spoonful of bitters in it, which he continued his whole life, and of which I have the receipt; then she took up the children, and brought

* An eminent maker of that time.

them all to his room, where he taught them every thing that was fit for their age; some Latin, others French, Dutch, geography, writing, reading, English, &c. and my grandmother taught them what was necessary on her part. Thus he employed and diverted himself all the time he was there, not being able to afford putting them to school; and my mother, when she had a moment's time, took a lesson with the rest in French and Dutch, and also diverted herself with music. I have now a book of songs of her writing when there, many of them interrupted, half writ, some broke off in the middle of a sentence; she had no less a turn for mirth and society than any of the family when she could come at it without neglecting what she thought more necessary. Her eldest brother, Patrick, who was nearest her age, and bred up together, was her most dearly beloved. My father was there, forfeited and exiled, in the same situation with themselves—she had seen him for the first time in the prison with his father, not long before he suffered, and from that time their hearts were engaged. Her brother and my father were soon got in to ride in the Prince of Orange's guards till they were better provided for in the army, which they were before the revolution. They took their turn in standing centry at the Prince's gate, but always contrived to do it together; and the strict friendship and intimacy that then began, continued to the last: though their station was then low, they kept up their spirits; the Prince often dined in publick, then all were admitted to see him; when any pretty girl wanted to go in, they set their halberts across the door, and would not let her pass till she gave each of them a kiss; which made them think and call them very pert soldiers. I could relate many stories on that subject. My mother could talk for hours, and never tire of it, always saying it was the happiest and most delightful part of her life: her constant attention was to have her brother appear right in his linen and dress; they wore little point cravats and cuffs, which many a night she sat up to have in as good order for him as any in the place; and one of their greatest expences was in dressing him as he ought to be. As their house was always full of the unfortunate banished people like themselves, they seldom went to dinner without three or four or five of them to share with them; and many a hundred times I have heard

her say, she could never look back upon their manner of living there without thinking it a miracle; they had no want, but plenty of every thing they desired, and much contentment, and always declared it the most pleasing part of her life, though they were not without their little distresses; but to them they were rather jokes than grievances. The professors and men of learning in the place, came often to see my grandfather; the best entertainment he could give them was a glass of alabast beer, which was a better kind of ale than common: he sent his son Andrew, the late Lord Kimmerghame, a boy, to draw some for them in the cellar; he brought it up with great diligence, but in the other hand the spiket of the barrel. My grandfather said, Andrew what is that in your hand; when he saw it he run down with speed, but the beer was all run out before he got there; this occasioned much mirth, though perhaps they did not well know where to get more. It is the custom there to gather money for the poor from house to house, with a bell to warn people to give it. One night, the bell came, and no money was there in the house but an orkey, which is a doit, the smallest of all coin. Every body was so ashamed, no one would go to give it, it was so little, and put it from one to t'other. At last my grandfather said, well then, I'll go with it, we can do no more than give all we have: They were often reduced to this by the delay of the ships coming from Scotland with their small remittances; then they put the little plate they had (all of which was carried with them) in the Lumber, which is paunding it, till the ships came; and that very plate they brought with them again to Scotland, and left no debt behind them. When the long expected happiness of the Prince going to England took place, her father, and brother, and my father, went with him; they soon heard the melancholy report of the whole fleet being cast away or disperst, and immediately came from Utrecht to Helvoetsluys, to get what information they could; the place was so crowded by people from all quarters, come for the same purpose, that her mother, she, and her sister, were forced to lie in the boat they came in; and for three days continually, to see come floating in, beds, chests, horses, &c. that had been thrown overboard in their distress. At the end of the third day, the

Prince, and some other ships came in; but no account of the ship their friends was in; their despair was great, but in a few days was relieved by their coming in safe, but with the loss of all their baggage, which at that time was no small distress to them.

When they set out again, the eagerness of their expectation was augmented; to hear they were all safe landed was the greatest joy they could figure to themselves; yet when that happy news came, it was no more to my mother than any occurrence she had not the least concern in; for that very day her sitser Christian died of a sore throat, which was so heavy an affliction to both her mother and her, that they had no feeling for any thing else; and often have I heard her say, she had no notion of any other cause of sorrow but the death and affliction of those she loved, and of that she was sensible to her last, in the most tender manner. She had tried many hardships, without being depressed by them, on the contrary, her spirits and activity increased the more she had occasion for it; but the death of her friends was always a load too heavy for her. She had strong and tender passions, though she never gave way to them, but in what was commendable and praise-worthy.

When all was settled in England, the children were sent to Scotland, and my grandmother and she came over with the Princess. She was offered to be made one of her maids of honour, and was well qualified for it, her actions shew what her mind was, and her outward appearance was no less singular.

She was middle sized, well made, clever in her person, very handsome, with a life and sweetness in her eyes very uncommon, and great delicacy in all her features; her hair was chesnut, and to her last had the finest complexion, with the clearest red in her cheeks and lips, that could be seen in one of fifteen, which added to her natural constitution, might be owing to the great moderation she had in her diet throughout her whole life. Potage and milk was her greatest

feast, and by choice preferred them to every thing, though nothing came wrong to her that others could eat; water she preferred to any liquor; though often obliged to take a glass of wine, always did it unwillingly, thinking it hurt her, and did not like it. She declined being maid of honour, and chose going home with the rest of her family. Having had her union with my father always in view, their affection for one another increased in their exile, though they well knew it was no time to declare it (neither of them having a shilling), and were at no small trouble to conceal it from her parents, who could not but think such an engagement ruinous to them both; especially when in the midst of their distress there was offers pressed upon her by them, from two gentlemen in their neighbourhood at home, of fortune and character, who had done nothing to forfeit either, and with whom they thought it would have been happy to settle their daughter at any time: she earnestly rejected both, but without giving any reason for it, though her parents suspected it; and it was the only thing she ever displeased or disobeyed them in. These Gentlemen I have mentioned, were intimate and sincere friends to my father and her, to the day of their death, and often said to them both, she had made a much better choice in him, for they made no secret of having made their addresses to her. Her parents were ever fond of my father, and he was always with them. So great an opinion had they of him, that he was generally preferred to any other, and trusted to go out with my mother, and take care of her when she had any business to do—they had no objection but the circumstance he was in, which had no weight with my mother, who always hoped things would turn out at last as they really did; and if they did not, was resolved never to marry at all. When he was put in possession of his estate by King William (which had been given to the Duke of Gordon) he made their engagements known; and they were married about two years after the revolution: then my grandfather was in high favour, as he was well deserved from his great sufferings, and was made Chancellor of Scotland; and afterwards made the King's High Commissioner to the Parliament, which was the greatest office in this country.

I have heard my mother, and many others say, that the great sweetness, composure, and even-ness of temper, my grandmother shewed in all her affliction, as well as in her high prosperity, was most singular; that from the highest to the lowest of her acquaintance, none ever found a difference from the great difference of her situation. I was but ten years old when she died; and tho' tenderly carest by her, lived much with her, and was her darling, being her first grand-child; I can only remember, which I do now in a lively manner, the sorrow I was in when she died; and cannot give from what I have heard, so good a description of her, as what my grandfather writ in her bible which he gave my mother, and is now in my possession.

" Grisell Lady Marchmont her book, to Lady Grisell Hume Lady Jervis-
" woode my beloved daughter. My heart, in remembrance of your mother,
" keep this bible, which is what she ordinarily made use of. She had been
" happy of a religious and virtuous education, by the care of virtuous and religious
" parents. She was of a middle stature, of a plump full body, a clear ruddy
" complexion, a grave majestic countenance, a composed steady and mild spirit,
" of a most firm and equal mind, never elevated by prosperity, nor debased or
" daunted by adversity; she was a wonderful stay and support to me in our
" exile and trouble, and a humble and thankful partaker with me in our more
" prosperous condition, in both which, by the blessing of God, she helped much
" to keep the balance of our deportment even. She was constant and diligent
" in the practice of religion and virtue, a careful observer of worship to God,
" and of her dutys to her husband, her children, her friends, her neighbours,
" her tenants and her servants, so that it may justly be said, her piety, probity,
" virtue and prudence were without a blot or stain and beyond reproach; as by
" the blessing of God she had lived well, so by his mercy in the time of her
" sickness and at her death, there appeared many convincing evidences that the
' Lord took her to the enjoyment of endless happiness and bliss. She died the

" 11 October 1703 at Edinburgh, and was burryed in my burying place near " the Canongate church, where I have caused mark out a grave for myself closs " by hers upon the left side in the middle of the ground.

" Signed MARCHMONT."

The sorrow her whole family and friends were in at losing her was very great; she had her judgement to the last, her children were all round her bed, my mother was in such agonies of grief, she had hid herself behind the curtain of the bed, that my grandmother in looking round to them all did not see her, and said, Where is Grizzel? upon which she came near her, she taking her by the hand, said, My dear Grisell blessed be you above all, for a helpful child have you been to me. I have often heard my mother tell this in floods of tears, which she was always in when she spoke of her mother at all, or of her eldest brother.

My grandfather while in high station had frequent opportunities of shewing his natural humanity to those in distress, always remembering he had been so himself; amongst many, one captain Burd, had a process before the Privie Counsel, of which my grandfather was president as chancellor, for something that imported no less than his life; the moment he appeared before him, tho' he had not recollected him by his name, he knew him to be the same captain Burd with whom he had been intimately acquainted in France, and had made part of the journey on foot from that together to Holland; but the captain little suspected to find his old friend Doctor Wallace, sitting there as his judge, and had not the least knowledge of his ever having been other than what he then appeared; my grandfather examined him pretty strictly, and with some severity, so that he was dismissed with the utmost apprehension of no favor; my grandfather ordered his son Sir Andrew Hume, who was then a lawyer, to get acquainted with him, and bring him one day to tell his own case, which he did in fear and trembling, dreading the severity he had already experienced; when

they were alone he was telling his story without lifting his eyes from the ground. When he had done, my grandfather said smiling, Do you not know me? upon which he look't up, cried out God's wounds Doctor Walace, run to him hung about his neck with tears of joy; one may judge what succeeded, and the pleasure they had to see one another."

The facts go on giving a particular account of Lady Grizzell's character, her attentions to her family and others, and proceed thus:

"She was unwearied and indefatigable in business, understood it well, and had the whole load of her own affairs, as well as that of many of her friends for whom she diligently watched every opportunity that might be of use to them, and had more pleasure when she was so, than can be expressed. From her tender years she had been a constant help and support to her father's family; not to name other things, I shall only mention the trouble she took from the time her brother Lord Polwarth went abroad in 1716. She had the whole management of his affairs all the time he was at Copenhagen, and Cambray; the care of the education of his children, his eldest son she sent abroad, and with trouble and difficulty procured Mr. Maklorain, who was then professor of mathematicks at Aberdeen, to go along with him as his tutor. She brought the other two sons from Scotland, and placed them at a school in London, where she had even to the smallest necessaries in cloaths to provide for them, till it was fit to send them to Holland. She provided a tutor for them, answered their bills, and I will not say how much trouble and anxiety they cost her, since she did every thing for her father's family with the same zeal and affection she could do for her own. She went to Scotland every second year to see her father, and when he wanted assistance in his old age, and could not take the trouble of looking after his own affairs, she took in and settled his steward's accounts, once at Kemmerghame, with a trouble and fatigue incredible for two months, from five in the morning till twelve at night, that she scarce allowed herself time to eat

or sleep, settling and taking them from one that had long had the charge of the business till she half killed the whole family by attending her, tho' they kept not the hours she did. When in London she never failed writing to her father, or her sister Julian, who then lived with him, and took affectionate care of him, every other post; sent him the newspapers and any book or pamphlet she thought could divert him. He retained his judgement and good humour to the last. Two or three years before he died, my mother was at Berwick with him where he then lived, and many of her relations came there to see her before she went to London; as mirth and good humour, and particularly dancing had always been one characteristick of the family, when so many of us were met (being no fewer than fourteen of his children and grandchildren) we had a dance: He was then very weak in his limbs and could not walk down stairs, but desired to be carried down to the room where we were, to see us; which he did with great chearfulness, saying tho' he could not dance with us, he could yet beat time with his foot, which he did, and bid us dance as long as we could, that it was the best medicine he knew, for at the same time that it gave exercise to the body, it cheared the mind. At his usual time of going to bed, he was carried up stairs, and we ceased dancing, for fear of disturbing him; but he soon sent to bid us go on, for the noise and musick so far from disturbing that it would lull him to sleep. He had no notion of interrupting the innocent pleasures of others tho' his age hindered him to partake of it. His exemplary piety and goodness was no bar to his mirth, and he often used to say none had so good reason to be merry and pleased, as those that served God and obeyed his commandments.

He died of a fever in the 84th year of his age 1724. None of our family were in Scotland, but Lord Binning, who came to him the first notice from Lady Julian of his illness, and attended him to the last; as he was sitting by his bedside not many hours before he expired, he saw him smiling, and said, My Lord, what are you laughing at. He answered, I am diverted to think what a disappointment the worms will meet with, when they come to me expecting a good

meal, and find nothing but bones. He was much extenuate, and had always been a thin clever man. He went off without a groan, and seemed to rejoice in the expectation of his end.

She and her husband went to Oxford for the education of their grandsons, the late earl of Haddington and his two brothers, where Mr. Baillie died 6th August 1738, and altho' Oxford was after her husband's death a most melancholy and disagreeable place to her, she (as it was thought fit for her grandsons) remained there for near two years after Mr. Baillie's death.

The following is an historical character of the Honble George Baillie Esq., by George Cheney Doctor of Medicine and Fellow of the Royal Society.

Sunday August 6, 1738. Died at Oxford in the 75th year of his age the Honourable George Baillie of Jerviswoode esquire, descended from an ancient and virtuous family in North Britain. He was a gentleman who in this corrupt age did honor to human nature, and was a great instance (according to my best observation) of the efficacy of the grace, wisdom and power of the Almighty.

At one and the same time, he was a most zealous patriot, a very able statesman, and a most perfect christian, that this or any age has produced; piety, charity, justice, and truth, being the basis of all his private resolves and public transactions. He considered mankind as his family, and each individual as his child and as the image of his heavenly father. He continued steadily in his own church and principles when at home, and in his country, discouraging indifference and wavering, in the external, as well as internal life of religion, but without rigidness and narrowness of soul; believing charity to be one of the cardinal virtues, and a guarded freedom essential to our unlapsed, and recovered natures. I had the honor of an intimate acquaintance with him for the last thirty years of his life. I have studied him in all the various scenes he passed

thro'; in posts of great honour, in the troubles of private life, in health and in sickness, in business and retirement; and with great truth I can affirm, that in all the several scenes I never knew his superior in solid virtue and just thinking.

His courage was undaunted, and his patience immoveable, his piety unfeigned and his truth exact to the greatest precision. Having been bred in the school of affliction, his compassion was never denied to those who were in distress even by their own indiscretions. He spent the last twelve years of his life, in constant meditation, contemplation, and prayer. It was truly a life hid with Christ in God. He passed through several states of purification and severe trial, unknown to common and unexperienced christians.

His father (a few hours before his life must have been ended by the hardships of his confinement) was for his love to his religion and country, most barbarously put to death by the severity of the then administration, and the madness of the times, whereby his estate was forfeited, and his son obliged to retire into Holland. Coming into England with the Prince of Orange, he narrowly escaped perishing at sea, on which account all his life after he kept a rigorous fast once every week, spending the whole day in meditation, prayer, and praises to his deliverer. During all the times of his great and arduous employments, he never failed morning and night to retire a considerable time to his closet, and prostrate himself before his maker. His faith and trust that the children of the righteous should never want bread, was so firm, that in all his difficulties and misfortunes, he never saved any thing for fear of want (when the expence was charitable, necessary or decent) and in his prosperity he never squandered away any thing ostentatiously or uselessly.

His private charities were as great and extensive, as they were secret and constant. In short, in his rank and order, under the present lapse of human

nature, and the flagrant corruption of this age and nation, he was in every thing a most perfect example to his family, to his friends and to his country.

Bath, August 12, 1738.

The account given of Lady Grizzell's death is as follows:

"She had been ill of a cold that was epidemical, but was down stairs the week before she died, was confined to her bed but a few days, and had her senses entire to the last; two days before she died we were all in the room—She said, My dears, read the last chapter of Proverbs. You know what it is. To have her grandsons happily married, lay near her heart; and I imagine it was with regard to that she said it. I think it a very strong picture of herself, and if ever any deserved to have it said of them, she does. The next day she called me, gave directions about some few things; said she wished to be carried home to lye by my father, but that perhaps it might be too much trouble and inconvenience to us at that season, therefore left it to me to do as I pleased; but that in a black purse in her cabinet, I would find money sufficient to do it, which she had kept by her for that use, that whenever it happened it might not streigthen us:—She added, I have now no more to say, or do; tenderly embraced me, and laid down her head upon the pillow, and spoke little after that."

Can my sorrow be utterable after such a loss. I am certain no number of years allotted me to live, can ever make me feel less either of grief or wonder, when I reflect on her whole conduct. Her whole family was round her bed, and shewed a lively sense of what they lost when she breathed her last. My sister, who had been long ill, was carried out of her bed to attend her; but we were both almost incapable of doing the last duties to her, but *that* Lady Stanhope * supplied, with the same tender dutifulness she had ever behaved to

* She is still living; her mother was second daughter of Lady Grizzel Bailey; and of course, she is great-grand-daughter to Patrick the first Earl of Marchmont: The present Earl Stanhope is her son.

her, and with a fortitude uncommon at her age; stretched and dressed her, in the manner she had always directed; which was in her ordinary night cloaths, and then rolled in a sheet; all which she did, without letting another hand touch her; for which, and her tender care and concern for her mother and me, I doubt not God will reward her, by the dutifulness of her own child. My mother had always expressed a dislike of the method in London, of delivering over to the Undertakers for funerals, any one that died, to be ordered by them, as they thought proper; therefore, we were desirous that none such should come about her, or touch her; nor was she ever left by some of her family, till they saw the lead coffin soudered down; though it rent the heart to be witness to it, we were all there to see the last thing done that was in our power.

The concern and agitation of mind, I have been under the whole time of my writing of this, and when ever I set about it, makes me very unfit to do it at all; but my desire of putting in writing so many surprising and uncommon truths, which no body else had the same access to know, made me undertake it. I here declare, whatever I have said, to the best of my knowledge, to be strictly just and true; but far less than I think the subject deserves.

Lady Grizzel Baillie was buried at Mellerstain by the side of her husband—The following inscription, which is engraved on marble and placed on her monument, was written by Judge Burnet, who knew her well.

Here Lieth
The Right Honourable Lady Grisell Baillie
wife of George Baillie of Jerviswoode Esq^r^.
Eldest daughter of the R. Honb^le^ Patrick Earl of Marchmont.
A Pattern to her Sex, an honour to her Country,
She excelled in the Characters of a daughter, a wife a mother.
While an Infant
At the hazard of her own, she preserved her father's life

Who under the rigorous persecution of Arbitrary Power
Sought refuge in the close confinement of a tomb
Where he was nightly supplied with necessaries conveyed by her
With a caution far above her years,
A courage almost above her Sex,
A real instance of the so much celebrated Roman Charity.
She was a shining Example of Conjugal Affection
that knew no dissension, felt no decline,
during almost a fifty years union,
The dissolution of which she survived from duty not choice.
Her Conduct as a Parent
Was amiable, exemplary, successful,
To a Degree not well to be exprest,
Without mixing the praises of the Dead with those of the living
Who desire that all praise but of her should be silent.
At different times, she managed the affairs
Of her father, her husband, her family, her relations,
With unwearied application, with happy Economy,
As distant from avarice, as from prodigality.
Christian Piety, Love of her Country,
Zeal for her friends, Compassion for her Enemies
Cheerfulness of Spirit, Pleasantness of Conversation
Dignity of Mind,
Good Breeding, Good Humour, Good Sense
Were the daily ornaments of an useful life,
Protracted by Providence to an uncommon length,
For the benefit of all who fell within the sphere of her benevolence
Full of Years and of Good Works
She died on the 6th day of Decemr 1746
near the End of her Eighty first Year.
And was burried on her birth day the 25th of that month

Lord Cornbury writing to Lady Hervey on Lady Grizzel's death, said "Indeed I am sorry that we shall see our good old friend no more, I am sorry "we shall partake no more in the society of that hospitality, that benevolence, "that good humour, that good sense, that chearful dignity the result of so "many virtues which were so amiable in her, and what did so much honour "to humanity; and I am very sorry for what those must suffer at present whom "she had bred up to have affections, and who had justly so much for her."

Appendix, N° 2.

REFERRED TO IN INTRODUCTION, P. XXXiii.

LETTER OF THE EARL OF STAIR TO THE EARL OF MARCHMONT. (a)

My dear Lord, Edinburgh, December 10, 1736.

I AM infinitely obliged to your Lordship for your Letter of the 21st of November from Bath, which I received yesterday by your servant. I am very glad that you said your company had arrived safe there and in good health. I am persuaded your going about will do your Lordship great good.

I wish you could have persuaded our friend the Duke of Montrose to go into a warmer climate, which I think is the best way to re-establish his health, which I think of great value to his country as well as to his friends. I need not tell you how much I respect him for his superior virtue. I love him for having every good quality that one could desire in a patriot or wish for in a friend: I wish that he and you may be long preserved, tho' I cannot foresee that it will ever be in the power of the best men to do any good, that balance of Power is so much destroyed by the weak and wicked measures of our Ministers that I'm afraid there is very little hopes, if any, of restoring it again, and upon that balance, the wealth and independency of this nation does depend, as every day will more clearly convince us; however as one does not know the secret Springs

(a) This was the Father of the last Earl; the latter was Lord Polwarth, and in the House of Commons at the time.

that Providence may work by it, it is to be wished that good men may be preserved. I am glad you have seen H. R. H. the only hopes men that wiſh well to their country can have is in his thinking right and acting accordingly.

The reproach I know is flung upon us daily from a certain place of our being Jacobites, does not affect me any other way than by the prospect of what may be the case when our Government shall come to have nothing to depend on, but the assistance of their new listed friends, and some of their old ones, whose fidelity they have already experienced in cases of former danger. For myself, I am not surprized that some people should endeavour to defame me—my little reputation can be of no value to Sir R^t. further than that it is a kind of contradiction to his general rule, that there is really no such thing as virtue, and that every man will do every thing, if you will but pay him his price. As to the story you mention, 'tis very agreeable to the common practice of a certain great Man to graft a lye upon a stock of truth: The fact I am accused of is true my Lord; and I am very far from being ashamed of having carried a message which I think did great honour to the man that sent it. I wonder I never told you the story—I have at different times related it to several other of my friends. I shall relate you the fact, in a few words, as it really happened.

In the year 1711, after Lord Godolphin was turned out, and Earl Oxford was Treasurer, some time before the undertaking the siege of Bouchain, the Duke of Marlborough came to my quarters when I was very ill of an ague; and in a very long conversation regretted the unlucky situation of the affairs of the grand alliance, and expressed great fear that after all the blood and treasure that had been employed in a long and successful war, to reduce the exorbitant power of France and to restore the balance of Power in Europe, he said he was very apprehenſive that the first of all those labours might be lost; especially by his continuing to command the Confederate Army, having lost the Queen's favour;

and being deprived of the confidence of her Ministers;—to remedy these great inconveniences, he told me he thought of proposing two things to my Lord Oxford —the first, that he should have leave to retire; and that they should put another man at the head of the army, in whom the Queen might have entire confidence, to pursue the ends of the grand Alliance till the War could be ended by a Peace glorious to the Queen, advantageous to the Nation, and safe for all the rest of Europe; in which case he said he would go home with great pleasure, and heartily pray for the success of the Queen's affairs in the hands of the new General. The second point was, that if it was thought the Duke of Marlborough could be more useful at the head of the Confederate Army than any other, he was very willing to continue at the head of the Army, the Queen's confidence being restored to him, and to live with Lord Oxford as he had done with Lord Godolphin. I having agreed very much with what my Lord Marlborough proposed, his Grace wrote a letter to Earl Oxford in the terms I have mentioned above; he desired me to carry the letter, which he shewed me, to Lord Oxford; and that I would speak to his Lordship in the same style, and endeavour to procure an answer as soon as possibly I could. I went to London and delivered my Lord Marlbro's Letter to Lord Oxford; after many delays I had at last a very free conference with his Lordship; in which he spoke with great freedom and plainnesse to me: I thought by all my Lord said, our conversation was to have ended in establishing a very good understanding between my Lord Treasurer and the Duke of Marlborough; but his Lordship in the end thought fit to say, that he must defer declaring his final resolution upon the whole matter till our next conversation, which he faithfully promised me should happen in a very few days.

The detail of this conversation was extremely curious and very well worth your knowledge; but I must delay giving it you at present; if ever we happen to meet I shall give you a full account of it. From day to day I put my Lord Oxford in mind of finishing our conversation, but to no purpose. In that in-

terval Mr. Prior had sent you back from France, what they call a carte blanche for settling all the differences in Europe; and in the end I was allowed to go back to the siege of Bouchain with a bamboozeling letter from my Lord Oxford to the Duke of Marlborough. At the end of the Campaign 1711 the Duke of Marlborough was turned out, and the Duke of Ormond sent to command the army: what followed, 'till the death of Queen Anne, your Lordship knows very well, and particularly whether at any time, or upon any occasion, my conduct was in any degree ambiguous. As to that point I dare speak to Sir Robert himself, whether I was to be sold, or whether there was any part of that Tory Ministry that would not have been fond of buying me at any price? But as to the Message I carried, which is the point in queſtion, I never denied it, at no time, and I am very far from being ashamed of it now. I thought that the happy conclusion of the war, was the end that every honest man that loved his Country ought to propose to himself. When the Duke of Ormond came to command the army, I would have served with great zeal under him against France; but when our Ministry thought fit to fling themselves into the arms of France, and to separate our army from that of our Allies, I appeal to your Lordship, whether I made any servile court at that time, or in the succeeding year, for my own private advantage. In the late reign, possibly I had greater temptation than any man ever had to be a Frenchman, but I will appeal even to Sir Robert, who may be master of all my public letters and most of my private letters, whether I ever swerved one moment from my duty to my King and to my Country; whether I did not at all times advise our Court to be jealous of France, and to lean strongly against her growing power.

In this reign, I have held the same conduct—your Lordship knows if I have not at all times, in season and out of season, to the Queen and to the Minister, represented the pernicious consequences of uniting the Houses of Bourbon, and of increasing their power.

I need say nothing to your Lordship in justification of my conduct in domestic affairs; the motives that determined your Lordship and me to oppose the measures of the Minister were the same—we thought that the Minister's prospects to alter the Constitution, by diminishing the power and independency of parliaments, and increasing the power of the Crown, were equally hurtful and dangerous to all our fellow subjects and their posterity for ever, and to the true interest of the Royal Family itself; we had seen King James lose the Crown, for endeavouring to introduce arbitrary power, and we were apprehensive that attempts of the like nature, might be of dangerous consequence to the Protestant Succession in the House of Hanover. 'Tis very true, that in the opposition we have made to the Minister's measures, we have had the assistance of many persons who have been called by name of Torys; but I am very far from being ashamed to take the assistance of Torys to preserve our Constitution; and I defy Sir Robert to say, that I joined in the opposition to his Measures, because he refused to gratify my avarice or my ambition—but this Letter is already swelled to a length I'm afraid will be tiresome to you—you'll have difficulty to read it, especially the beginning of it, which is wrote with ill ink.

There is one circumstance in your Letter I had forgot to answer, and that is this story having been laid to my charge by a very great person in presence of Lord J.—I do not remember that that person ever spoke to me of the story:—I am pretty sure they never did; but I am very sure that person, nor any other, ever spoke to me upon that subject before Lord J. I have never had any communication with that great man since the first weeks of King George the First's accession to the Crown.

I can tell you nothing new from hence, our Army is going into Winter quarters, and after all the rout has been made about Porteous his murder, the inquiry about the matter is to fall to the ground, which I think is something more extraordinary than ever was seen in any country, to let such an insult upon a Government go unpunished.

I beg you to give my hearty service to your friends at Bath; I wish you may all pass the Winter agreeably and in good health.

It will always be a very great pleasure to me to keep a correspondence with you. I can assure you with great truth that there is not one man living that loves and honours you more than your most faithful servant

STAIR.

Lady Stair and Mrs. Primerose order me to assure your Lordship of their service. I beg you to give my hearty service to Mr. Pulteney; I am very glad to hear he is so well recovered. I don't wonder that the present situation of our affairs, foreign and domestic, do not give a great deal of Spirit to a man who knows so much of them as he does.

Appendix, N° 3.

REFERRED TO IN THE OBSERVATIONS, P. 15.

REFUTATION of Bishop Burnet's Charge against Monk, that he produced confidential Letters of the Marquis of Argyle, on his Trial, which led to his Condemnation.—From the Biographia Britannica, p. 1153, 1st Edition.

IT is very clear, that what Bishop Burnet relates, concerning the transactions of these times, he must have received from other people, and that several years after; for at the time of the Marquis of Argyle's death he could not be much above eighteen years old; we need not wonder, therefore, that in the circumstances relating to great events, before those times, in which he came to have a share in business, he might be misinformed, for that is all that either is or ought to be contended for on this occasion. After giving us an account of a very learned speech prepared by the Earl of Loudon, and which Craufurd tells us was ſpoken by him in justification of the Marquis, the Bishop proceeds thus (*a*): "But while it was very doubtful how it would have gone, Monk, by an inexcusable baseneſs, had searched among his Letters, and found some that were "writ by Argyle to himself, that were hearty and zealous on their side. These "he sent down to Scotland, and after they were read in Parliament, it could "not be pretended that his compliance was feigned or extorted from him. Every

(*a*) History of his own Times, vol. i. p. 125.

"body blamed Monk for sending these down, since it was betraying the confi-
"dence that they then lived in. They were sent by an express, and came to the
"Earl of Middleton after the Parliament was engaged in the debate. So he
"ordered the letters to be read. This was much blamed, as contrary to the
"laws of justice, since probation was closed on both sides. But the reading
"of them silenced all farther debate. All his friends went out, and he was
"condemned as guilty of treason. The Marquis of Montrose only refused
"to vote. He owned he had too much resentment to judge in that matter.
"It was designed he should be hanged as the Marquis of Montrose had been;
"but it was carried, that he should be beheaded, and that his head should be
"set up where Lord Montrose's had been set." It is evident from hence, that if our Author's account of the matter be right, the Marquis of Argyle had nothing to complain of, for these letters sent down by Monk fixed the fact so fully upon him, that even his friends gave up his defence and withdrew. But the Marquis when he received sentence, as well as in the whole course of his defence, insisted that he had complied no farther than other people had done who were then his judges; and the same thing he says in his speech; and hence it is that I am apt to believe that there is some mistake or misapprehension in this matter; and that though Monk might give his assistance to ruin a man whose abilities he might fear, and whose influence he very well knew, (*b*) yet he neither sent down any such letters, nor had any such to send; and in support of this opinion, I shall offer my reasons, and draw them into the narrowest compass possible. 1. This matter was very narrowly looked into at the time it happened; has been very carefully reviewed since; and accounts of it have been given by persons of opposite sentiments; yet none of these mention Monk's letters. The great Ministers of those times, and those who were deepest in the taking the Marquis's life, removed, as far as they were able, all the minutes relating to his process, which they would not have done had he been convicted on the testi-

(*b*) Wodrow's History of the Church of Scotland, vol. i. p. 42.

mony of these letters, because, the recording them had justified their proceedings (*c*). All things tending to justify the bringing the Marquis to a trial, condemning and putting him to death, were carefully published in England, as Bishop Kennet shews very largely; but nothing is said of these letters (*d*). Sir George Mackenzie wrote a vindication of the Government of King Charles the Second in Scotland, in which he passes over entirely this whole transaction, which surely he would not have done, if it could have been so easily vindicated as by transcribing these letters (*e*). Mr. Wodrow collected every thing he could meet with relating to this process, and has preserved the names of the witnesses that proved the Marquis's compliance, but he says nothing of Monk's letters, neither is there a syllable of them in the State Trials, except the transcribing this passage from Bishop Burnet. 2. It seems to be inconsistent with another part of the Bishop's own account; for he says, the King instructed his Commissioner not to proceed to sentence, or at least to execution, till he had reviewed the proceedings (*f*); for which there had been no occasion if the King had known any thing of these letters, since what satisfied the Marquis's friends as to his guilt would undoubtedly have satisfied His Majesty also upon that subject. 3. There are some circumstances in the account this Prelate gives of the Marquis, which may easily induce us to believe, that he might be misled in regard to his story. As for instance, he mentions his being upon ill terms with his son Lord Lorne, and having actually had thoughts of disinheriting him (*g*). Under the usurpation it was necessary for the Marquis to disclaim the conduct of Lord Lorne for his own safety and preservation; but this never deceived the people in power (*h*), and therefore it is strange that it should impose upon the Bishop. In the Marquis's advice to his son and to the rest of his

(*c*) Wodrow's History of the Church of Scotland, vol. i. p. 57.
(*d*) Register and Chronicle, Ecclesiastical and Civil, p. 334. 405. 407. 428. 451. 452.
(*e*) Wodrow's History of the Church of Scotland, p. 57.
(*f*) History of his own Times, vol. i. p. 123.
(*g*) Ibid. p. 106.
(*h*) Thurloe's Letters, vol. i. p. 514.

children, there is nothing that looks that way; and in the next article we shall see, that Lord Lorne's zeal for his father had like to have cost him his own life, as the Marquis's coming to London on his son's letter actually cost him his. The Bishop speaks of an attempt made by the Marquis to make his escape out of the Castle; but he says, that fearing it might hasten his execution, his heart failed him (*i*). It is not easy to conceive how this can be reconciled to the story of Monk's letters. Before they came, the Bishop tells us the affair was very doubtful, and in such a situation it is not probable the Marquis would attempt an escape. After sentence was passed, he never was in the Castle, and consequently could have no opportunity of escaping from thence. It is however true that he really intended an escape from the Castle, and was once in compleat disguise for that purpose, but laid aside his disguise because he would not desert the sentiments which he had espoused (*k*). He chose rather to die like an honest man than to draw an imputation of guilt upon his character by flight; but his conduct would have been absurd if his letters to Monk had proved him already guilty, or even if he knew such letters had been in Monk's power. The Bishop says expressly that the Marquis wrote his letter to the King the day before his execution (*l*); the letter itself shews, that the Marquis wrote it that very day (*m*). It seems therefore possible, that the Bishop having this account from some good hand, in his opinion, might set it down without considering it very carefully. 4. We have many things said by Clarendon and Echard of the Marquis's Correspondence with Cromwell and Sir Henry Vane, though neither have vouchsafed us any proofs. On the other hand, Whitelocke and other writers on that side give him quite another character, and represent him always as a person always suspected and dreaded. We have of late years had great discoveries made of the correspondence under Cromwell's Government; all which clearly

(*i*) History of his own Times, vol. i. p. 124.
(*k*) Wodrow's History of the Church of Scotland, p. 53.
(*l*) History of his own Times, vol. i. p. 125.
(*m*) See the letter in the next note.

proves that the Marquis of Argyle was never considered in any other light than that of a concealed Royalist, as his son, the Lord Lorne, was a declared one (*n*). There is a Letter of his to King Charles the Second, which I have seen, and is now in print, that proves he had a great correspondence with King Charles the First; and in which he tells the King that nobody would restore him but the Preſbyterians, which the King afterwards found to be true (*o*). 5. Lastly, it is so far from being a fact, that he had any close connection with Monk in the management of affairs, while he governed Scotland, that I am able to prove he was his mortal enemy, and represented him in the blackest colours to both the Protectors. He accused him to Oliver as not deserving the money that was paid him (*p*) as a debt for maintaining the Scots troops in Ireland upon the credit of the public faith, and the following letter will fully shew that he did not consider his going up to Richard's Parliament as a compliance with that Government, but as an endeavour to overturn it. This letter is directed to Thurloe, and runs thus (*q*):

" My Lord,

" My Lord Keeper and myself have done our best to get those men chosen " you have wrote for; but my Lord of Argyle and some others whom my Lord " Keeper will acquaint you with, have endeavoured all they can to get all Scotch- " men chosen. But I doubt not, but there will be three chosen of those five you " sent the names of; and I have taken care that as many as come out of this " country shall be there with the first; and if the writs come in time, which I " hope they will, they shall be all sent to Dr. Clarges. The Marquis of Argyle

(*n*) Thurloe's State Papers, vol. iii. p. 28.
(*o*) Peck's Desiderata Curiosa, vol. ii. b. 2. p. 16, 17.
(*p*) Thurloe's State Papers, vol. vi. p. 341.
(*q*) Ibid. vol. vii. p. 584.

" himself endeavours to be chosen, notwithstanding he is Sheriff of Argyleshire; " neither do I guess he will do his Highness's interest any good; but when " my Lord Keeper comes up, he shall acquaint you with the business. Which " is all at present from

" Your Lordship's

" Very humble servant,

" Dalkeith,
" December 30, 1658."

" GEORGE MONCK."

REFERRED TO IN THE OBSERVATIONS, P. 22.

From Dr. Campbell's Lives of the Admirals. 1st Edition, Vol. 2. p. 355.

BUT the Bishop is not content with barely characterizing this noble person, he charges him with three glaring crimes; which as they relate to the most eminent actions of his life, we shall briefly consider. The first is the murder of the Marquis of Argyle. This nobleman was questioned before the Parliament of Scotland, for concurring with the late rebellious powers. He pleaded, that he complied with them only, and made a very strong defence (*a*): but the Bishop says that Monk having several Letters of his, which fully shewed that his inclinations as well as his actions were with the prevailing party; he sent these down, which were read in Parliament, and by this breach of private

(*a*) The proceedings against him may be found in the 2d volume of State Trials.

friendship he brought the Marquis to the block (*b*). Now to this I say, that the fact cannot be true for many reasons: I shall mention only a few. First, the Marquis in his defence complains, that he was surprized into being present at Oliver's proclamation as Protector, by General Monk's sending for him to the council, without letting him know what was to be done. Would he have complained of this, and have passed by the letters; or would not this complaint have been ridiculous if there had been any such letters (*c*)? Second,—The Marquis died with an appeal to God for the sincerity of his defence, and wrote a letter to the King, affirming the same thing, a copy of which I have seen (*d*). Would so wise a man, as the Marquis certainly was, have done this, if, as Burnet says, his own letters had made the thing so plain, that his friends had nothing to say? Third.—This does not at all agree with Monk's character. He was an advocate for mercy to the regicides in the House of Lords; he was silent on the Bench at the Old Bailey, when commissioned to try them; and, which is much more to the purpose, he saved Sir Arthur Haslerig's life and estate, (the bitterest personal enemy he had in the world) by owning a promise to him, which some say he never made. This seems to shew him of no betraying spirit (*e*). Fourth.—There was no occasion for Argyle to write any such letters, for Monk never was in England after Oliver became Protector; and it is hard to understand, why the Marquis should apply to him in Scotland, when he could so easily have audience of Cromwell in London, where he often was (*f*). Fifth.—But the thing is now out of doubt; for by the publication

(*b*) Burnet's History of his own Times, vol. i. book 2.

(*c*) State Trials, vol. ii.

(*d*) By the favor of his nephew the Honourable Mr. Archibald Campbell. In this letter the Marquis insists on his loyalty in very high terms, and indeed there is all the reason in the world to believe he never meant any thing more in his proceedings in Scotland, than to restrain the power of the crown within due bounds.

(*e*) Skinner's Life of Monk, p. 319, 320. (*f*) Ibid, chap. 7.

of Thurloe's Papers it appears, that Monk never considered the Marquis in this light, but always represented him as a secret friend to the King, and an active enemy to the Protector's Government (*g*).

(*g*) See the articles of Argyle and Monk in the 3d, 4th, and 5th volumes of Thurloe's State Papers; and thence it will plainly appear, that there was no harmony between them, and consequently no ground to suppose that the Marquis would lay himself open to him by his letters.

Appendix, N° 4.

REFERRED TO IN THE OBSERVATIONS, P. 82.

RESPECTING THE PERSECUTION OF THE QUAKERS IN NEW ENGLAND.

17th May 1661. A Committee was appointed by his Majesty in council, consisting of the Lord Chancellor, the Lord Treasurer, Lord Privy Seal, Duke of Albemarle, Duke of Ormond, Lord Chamberlain, Earl of Anglesey, Lord Viscount Say and Seal, Lord Holles, Lord Cornwallis, Sir Edward Nicholas, and Sir William Morice, Kn^ts^, Secretaries of State, to consider of such letters, proclamations, or orders, as they might judge fit to offer to his Majesty to sign or publish, in reference to the settlement of the government of New England.

31ſt May 1661. His Majesty in council was pleased to refer to the above committee for their consideration and report, a representation from sundry persons (called Quakers) of the sufferings of their friends in New England; and their request and desire, together with a report on the said representation from the council for foreign plantations.

Letter to the Massachusets in favour of Quakers.

CHARLES R.

TRUSTY and welbeloved we greet you well; having been informed that several of our subjects among you called Quakers have been and are imprisoned by you, whereof some have been executed, and others (as hath been represented unto us) are in danger to undergo the like We have thought fit to signify our pleasure in that behalf for the future and do hereby require, That if there be any of those people called Quakers amongst you now already condemned to suffer death or other corporal punishment, or that are imprisoned and obnoxious to the like condemnation you forbear to proceed any further therein, but that you forthwith send the said persons (whether condemned or imprisoned) over into this our kingdom of England together with their respective crimes or offences laid to their charge to the end such course may be taken with them here as shall be agreeable to our laws and their demerits, and for so doing these our letters shall be your sufficient warrant and discharge; Given at our Court at Whitehall the ninth day of September 1661 in the thirteenth year of our Reign.

By his Majesty's command

WILL. MORICE.

This is a true copy of his Majesty's letter dated as aforesaid; Witness my hand. John Cooke, Clerk to Mr. Secretary Morice.

The Superscription.

TO our trusty and welbeloved John Indecott Esq^re^ and to all and every other the Governor or Governors of our Plantation of New England and of all the Colonies thereunto belonging that now are or hereafter shall be, and to all and every the Ministers and Officers of our said Plantation and Colonies whatsoever within the Continent of New England.

(Copied from the New England Papers. Vol. I. No. 162.)

Appendix, N° 5.

REFERRED TO IN THE OBSERVATIONS, P. 180.

PROCEEDINGS RESPECTING THE APPLICATION OF TORTURE IN SCOTLAND.

4th August 1690.

SEDERUNT.

His Majesty's High Comr.	E. Forfar	Lo. Aberuchell
E. Drumlanrig	E. Leven	The Laird of Grant
E. Argyle	E. Kintoir	The Laird of Blackbarony.
E. Crawfurd P.	Lo. Raith	The Laird of Leyes
E. Southerland	Lo. Cardross	Sir George Monro
E. Eglintone	Lo. Ruthven	The Laird of Brodie
E. Mortone	Mr. of Burligh	Major Genl. McKay
E. Cassils	Ld Justice Clerk	
E. Lothian		

FORASMUCH as ther has been a treasonable and hellish plot contrived and carried on against ther Mãties persons their government and their good subjects within this and the neighbouring nations; and that ther is evident presumptions and documents that Henry Navill Pain prisoner within their Castle of Edinburgh Kendall alias Morgan, Colin, John & Patrick Bells have been accessory to and in the knowledge of such an unnatural and damnable conspiracy: Therefore, and for detecting and discovering thereof, Ther Mãties High

Commissioner and the Lords of Privy Councill do ordaine the Tortur to be put to the saids Henry Navill Pain Kendall alias Morgan, Colin, John, & Patrick Bells, in their own presence, or a Committee to be appointed for that effect (Sic. Subr) Melvill, Crawfurd P. Argyle, Southerland, Eglingtoune, Leven, Forfar, Cardross, Ruthven, Balfour, G. Campbell, C. Campbell, Ar Murray, J. Brodie, H. Mackay, Go. Monro.

At Edinburgh the 10th day of December 1690 yeers.

SEDERUNT.

E. Crawfurd P.	Viscr Stair	Lo. Aberurquhall
E. Southerland	Lo. Raith	Lo. Fountanhall
E. Mortoune	Lo. Cardross	Lo. Blackbarrony
E. Cassils	Lo. Carmichael	Sir John Hall
E. Forfar	Lo. Ravilrig.	

The following letter direct from his Majestie to the Privy Councill was read, ordered to be recorded whereof the tenor follows

Supra Scribitur.

WILLIAM R.

Right trusty and intirely beloved Cousine and Councillor, Right trusty and right weel beloved Cousins and Councillors, Right trusty and weel beloved Cousines and Councillors, Right trusty and weell beloved Councillors, and trusty and weell beloved Councillors, wee greet you weell. Whereas we have full assurance upon undeniable evidence of a horrid plott and conspiracy against our Government, and the whole settlement of that our ancient Kingdom, for introducing the authoritie of the late King James and popery in these Kingdoms, and setting up an intire new forme of Government, whereof there has been several contrivers and managers, and Navill Pain, now prisoner in our Castle of Edinburgh, hath lykways been an Instrument in that Conspiracie, who having neither relation nor business in Scotland, went thither on purpose to maintain a

correspondence, and to negotiat and promott the plott: And it being necessary for the ſecurity of our Government, and the peace and satisfaction of our good subjects, that these foul designs be discovered: Therefore we doe require you to make all legal inquirie into this matter; and we have transmitted several Papers and Documents for your information, some whereof have been read amongst you; and particularly wee doe require you to examine Navill Penn strictly; and in case he prove obstinate or disengenious that you proceed against him to torture, with all the rigour that the law allows in such caises; and not doubting your ready and vigorous applications for the furder discovery of what so much concerns the public safety, we bid you heartily fareweell. Given at our Court at Kensingtoune the Eighteenth day of November * Javaj and ninety years, and of our reign the Second year. By His Majesty's Command (Sic Subr,) MELVILL.

The Lords of his Majesty's Privie Council doe heerby give order and warrand to Lieut. Coll James Murray, Lieut Governour of the Castle of Edr, and in his absence the nixt commanding officer present, to bring along Navill Pain prisoner in the said Castle In presence of the Provost of Edinburgh ane of the said Lords their own number; and that under ane sufficient guard and List the said Navill Pain in presence of the saids Lords, without admitting any person whatsoever to speak with him on the way as he comes from the said Castle to the said Lords, or in the said Castle before he come forth thereof.

The above prisoner being brought to the Barr, and being several times removed and called in again, and being asked several questions anent a Conspiracie against the Government, and for restoring the late King James, whereof the Council had strong and evident presumptions of his knowledge; He denied all knowledge of or accessione to the foresaid Conspiracie; and the Councill having by the Earle of Crafurd, their President for the tyme, intimate to the prisoner that the Councill has certain and sufficient evidences of his knowledge

* 1690.

of and concerne in the plott and conspiracie, and therfor required him to be ingenious and frank in his confessione, oyrwayes they would (in respect of the great and clear evidences against him) put him to the torture; and the prisoner having still refused to make any acknowledgment, and in a boasting maner bid them doe with his body what they pleased; The Councill resolved to proceed to torture; but first called for and read at the Board (the prisoner being removed) ane former warrand of Councill for putting this prisoner and others to torture, in respect of the evident presumptions against them, signed by their Majesties Commissioner and fifteen Lords of Councill of the 4th of August last.

It being moved att the barr, Whether Navill Pain the prisoner in case of his disingenuity or refusall to answer notwithstanding of the torture he is to be put to this night, may be put to new torture the morrow; the same went to the vote, and carried in the affirmative, that he might be putt to the torture again upon interrogators not coincident with these, which he shall be this night interrogate upon.

The prisoner, being again brought in, was put to the torture of the thumbiekins; and being examined upon several interrogators answered to the whole negative.

16 Decr 1690.

D. Hamiltoune P.	E. Forfar	Lo. Ravilrig
E. Crafurd	Vis. Stair	Lo. Aberurquhall
E. Errol	Lo. Raith	Lo. Fountainhall
E. Mortoun	Lo. Cardross	Lo. Blackbarrony

Anent the petition given in to the Lords of their Majesties Privy Council be Francis Pain, nevoy to Henry Nevill Pain, Shewing that the petitioner being informed that his said uncle was committed closs prisoner after torture; and that

his own Physitians and Chirurgions have not liberty to attend him, and seeing these circumstances may endanger his life; and therefore humbly craving their Lõ to allow him the benifite of open prisone, and to allow his ordinary Phisitians and Chirurgions to attend him, since they only could know his constitutione, as the said Petition bears: The Lords of their Majesties Privy Councill having considered the above petitione, they grant the desyre thereof, and allows the above Henry Nevill Pain the benefit of open prisone, and allows his ordinary Physitians and Chirurgeons to attend him; The Governour, Lieu^t^ Governour, or other inferior Officers of the said Castle being always answerable for his safe custody.

30 Dec^r^ 1690.

Sed^t^

D. Hamiltoune P.	Vis. Stair	L^o^. Aberurquhall
E. Crafurd	L^o^. Raith	L^o^. Fountainhall
E. Errol	L^o^. Cardross	L^o^. Blackbarrony
E. Cassils	L^o^. Carmichaell	L^o^. Stevensone
E. Forfan	L^o^. Ravilrig	

The following letter direct from his Majestie to the Councell being this day read, was ordered to be recorded whereof the tenor follows:

Subscribitur

WILLIAM R.

Right trusty and entirely beloved Cousine and Councillor, Right trusty and right weel beloved Cousins and Councillors, Right trusty and weel beloved Cousins and Councillors, Right trusty and weel beloved Councillors, and trusty and weel beloved Councillors Wee greet you weel. Whereas we understand that Navill Paine hath been most obstinate and disingenious, when examined by you concerning the late plott and conspiracy against us and our Government, notwithstanding of our inclinations of favor toward him upon a true discovery;

It is therefor our will and pleasure, and wee doe heerby authorize and require you to cause secure him in closs prisone, and that no person be suffered to meet speek or correspond with him any manner of way, except his keeper and also Phisitians and Chirurgions when allowed by you; until our furder order: So not doubting your ready compliance with these our Commands wee bid you heartily fareweel Given at our Court at Kensingtoune, the 23d day of December Jajvaj and nyntie and of our reign the Second year By His Majesties Command (Sic Sub) MELVILL

The Lords of their Majestys Privy Council in obedience to & prosecution of his Majesty's Commands in his letter under his Royall hand direct to them of the date at Kensingtoune the 23d day of December instant, authorising and requiring them to cause secure Navill Paine in closs prisone, and that no person be suffered to meet speek or correspond with him any manner of way except his Keeper and also Chirurgions & Phisitians when allowed by the said Lords Doe hereby recommend to the Governor of the Castle of Edinburgh where the said Navill Paine is prisoner; and in absence of the Governor they give order and warrand to the Lieut Governour of the said Castle, to secure the said Navill Paine in closs prison; and discharges them to suffer any persone to meet, speek or correspond with him except his Keeper, and also Physitians and Chirurgions when allowed by the said Lords, until his Majesties further pleasure

(Sic Subr) Hamiltoun P. Crafurd, Errol, Stair, Raith, Cardross, Carmichael, C. Campbell, Ar. Murray.

Appendix, N° 6.

REFERRED TO IN OBSERVATIONS, P. 15.

PAPER respecting the Degree of Reliance which should be placed on Bishop Burnett's Statements of Facts and Circumstances.

WE will first refer to his own authority in his own words:

"A Historian that favours his own side, is to be forgiven, tho' he puts a little "too much life in his colours, when he sets out the best sides of his party, and "the worst of those from whom he differs; and if he but slightly touches the "failings of his friends, and severely aggravates those of the other side, tho' in "this he departs from the Laws of an exact Historian, yet this bias is so na- "tural, that if it lessens the credit of the writer, yet it does not blacken him."

"Reflections on Mr. Varillas's History of the Revolutions that have "happened in Europe in Matters of Religion, by G. Burnet D.D. "12°—Amst. 1686.—p. 5."

In the same Preface he says, somewhat inconsistently, "I reckon a lie in his- "tory to be as much a greater sin than a lie in common discourse, as the one is "like to be more lasting and generally known than the other"—on which Bevill Higgons remarks, "How well he has made good this declaration the following "remarks will convince the world, by shewing the Reader such an uninterrupted "series of untruths as will astonish; not mistakes proceeding from negligence or

" human infirmity, but from a corrupt design to impose on posterity; not from " misinformation or error of judgment, but from a deliberate act of the will, " what the Logicians call a volition to do mischief, by not only misrepresenting " matters of fact, and setting them in a false light, but positive assertions of " several things which he must have known in his conscience to be absolutely " contrary to truth; so that if we may judge by the whole tenor of the Book, " we may venture to affirm, that nothing can equal his insincerity, but his " malice; and, if possible, exceed both, but his vanity."

Bevill Higgons's Remarks Historical and Critical on Bishop Burnet's History of his own Time, (vol. ii. of his Works) p. 2. in which there is a large collection of the Bishop's *inaccuracies*.

In the Bishop's Dedication, of a Vindication of the Authority, Constitution, &c. of the Church and State of Scotland, to the Duke of Lauderdale in 1673 he addresses his Grace as follows:*

" The noble character which you do now so worthily bear, together with the more lasting and inward characters

In his History of his own Times, in the reign of Charles the Second, he gives the following character of the Duke in 1660, which he did not however publish till after the revolution:

"The Earl of Lauderdale, afterwards made Duke, had been for many years a zealous Covenanter: But in the year

* In Bevill Higgons's Miscellaneous Works are the following Passages—" In this " dedication the flattery is so gross as to disgust the reader;" " All which to a man in " whom he had discovered so nefarious a design as the enslaving and destruction of his " country, which is one kind of parricide. Conscious of all this, when he designed to " turn informer, he rightly judged, that it would discredit his evidence, to have all these " authentic proofs of his insincerity brought against him; upon which, he resolved to " stifle this dedication if possibly he could; being justly ashamed that the world should

of your princely mind, did set me beyond doubting to whom this address

forty-seven he turned to the King's interests; and had continued a prisoner

" see what incense he had offered to that very man, whom now he was going to sacrifice. " The learned Dr. Hickes who liv'd at this time, and was an eye-witness of these trans- " actions, has given many years ago an account of this management, the knowledge of " which will instruct the reader. Not long after printing this book at Glascow, he " brought a great part of the impression to London, where he sold it to Mr. Moses Pit; " and not long after he came to him, to desire him with great earnestness to sell the " copies of it without the dedication; for by this time the Duke had fallen out with him, " and discarded him for some arts and qualities he had observed in him, which I need " not name. Mr. Pit gave him very good reasons why he ought not to do so; and par- " ticularly told him he could not honestly sell an imperfect for a perfect copy. Upon " which he was angry, and threaten'd him with the loss of all the favours he intended to " do him in his trade. This Mr. Pit can testify if he is living; if not, it can be testified " by an honorable person who heard him solicit Mr. Pit to this base and unworthy practice. " But though Mr. Pit would not consent to sell the books without the dedication, yet he " was content to let him have them again; and so they came abroad without it, and so " hard it was, till it was privately reprinted, to get one single copy with it, that I profess " I could never get such a one, till a gentleman presented me with one out of his private " study. And when he had delated his patron to the House of Commons, Sir A. For- " rester, his Grace's secretary, told me, that after the utmost diligence he could get but " one single copy with the dedication, tho' he would have purchased more at any rate, " to have shewn the gentlemen of the honorable house, what kind of man the evidence " was, that would publish such things in commendation of the Duke, after he knew, as " he pretended, that he had a design of bringing an army out of Scotland for the spoiling " and subduing of England. * The discovery of this dedication, and his suppressing it, " coming to be known, made the House curious to see it; and he foreseeing what use " would be made of it against him, was willing to decline this noble undertaking; but " the House by the Interest of the Duke's friends, who increased on this discovery, " made him testify what he since says created horror in him; and how much reputation " he got by it I need not tell the world."

Higgons's vol. ii. p. 195 to 198. The author has a copy of the Bishop's work, with the dedication; the first edition in 1673.

* It will be recollected that it was in April 1675 that he gave evidence in the House of Commons of the crimes and offences committed by the Duke during his administration in Scotland.

was to be made: for to whom is a vindication of the authority and laws of this kingdom so due as to your Grace, to whom His Majesty hath by a royal delegation, committed the administration of affairs among us; and under whose wise and happy conduct, we have enjoyed so long a tract of uninterrupted tranquillity? But it is not only your illustrious quality that entitles you to this dedication. No, Great Prince, greater in your mind than by your fortune; there is somewhat more inward to you than the gifts of fortune; which as it proves her not blind in this instance, so commands all the respect can be paid your Grace, by such who are honoured with so much knowledge of you, as hath fallen to the happy share of your poorest servant.

"But, my Lord, since all I can say either of the vast endowments of your mind, or of the particular engagements I lie under to honour you, must needs fall short of my sense of both; and what is just to be said, is not fit for me to express; the least appearances of flattery being as unpleasant

all the while after Worcester fight, where he was taken. He was kept for some years in the Tower of London, in Portland Castle, and in other prisons, till he was set at liberty by those who called home the King. So he went over to Holland. And since he continued so long, and contrary to all mens' opinions in so high a degree of favour and confidence, it may be expected that I should be a little copious in setting out his character; for I knew him very particularly. He made a very ill appearance: he was very big: his hair red, hanging odly about him: his tongue was too big for his mouth, which made him bedew all that he talked to; and his whole manner was rough and boisterous, and very unfit for a Court. He was very learned, not only in Latin, in which he was a master, but in Greek and Hebrew. He had read a great deal of divinity, and almost all the historians ancient and modern: so that he had great materials. He had with these an extraordinary memory, and a copious but unpolished expression. He was a man, as the Duke of Buckingham called him to me, of a blun-

to you, as unbecoming one of my station: I must quit this theme which is too great for me to manage; and only add, that I know your understanding, in such debates as are here managed, to be so profound, and your judgment so well balanced, that as you deservedly pass for a master in all learning; so, if these sheets be so happy as to be well accounted of by you, I shall the less value or apprehend the snarling of all censurers. I pretend not by prefixing so great a name to these Conferences, to be secure from censure by your patrociny, since these enemies of all order and authority (with whom I deal) will rather be provoked from that, to lash me with the more severity.

" I shall not to this add my poor thoughts of what this time and the tempers of those with whom we deal, seems to call for, since by so doing, I should become more ridiculous than Phormio was, when he entertained the redoubted Hannibal, with a pedantic discourse of a General's conduct. It is from your Grace's deep judgment and great experience, that

dering understanding: he was haughty beyond expression, abject to those he saw he must stoop to, but imperious to all others. He had a violence of passion, that carried him often to fits like madness, in which he had no temper. If he took a thing wrong, it was a vain thing to study to convince him: That would rather provoke him to swear, he would never be of another mind: He was to be let alone; and perhaps he would have forgot what he had said, and come about of his own accord. He was the coldest friend and violentest enemy I ever knew: I felt it too much not to know it. He at first seemed to despise wealth; but he delivered himself up afterwards to luxury and sensuality: and by that means he ran into a vast expense, and stuck at nothing that was necessary to support it. In his long imprisonment he had great impressions of religion on his mind; but he wore these out so entirely, that scarce any trace of them was left. His great experience in affairs, his ready compliance with every thing that he thought would please the King, and his bold offering

we all expect and long for a happy settlement; wherein, that success and blessings may attend your endeavours, shall be prayed for more earnestly by none alive, than by,

Your Grace's most humble
most faithful and most
obliged Servant,
G. BURNET.

at the most desperate counsels, gained him such an interest in the King, that no attempt against him nor complaint of him could ever shake it, till a decay of strength and understanding forced him to let go his hold. He was in his principles much against popery and arbitrary government; and yet by a fatal train of passions and interests he made way for the former, and had almost established the latter. And, whereas some by a smooth deportment made the first beginnings of tyranny less discernible and unacceptable, he by the fury of his behaviour, heightened the severity of his ministry, which was liker the cruelty of an inquisition than the legality of justice. With all this he was a presbyterian, and retained his aversion to King Charles the First and his party to his death."

Mr. Higgons's Work, which is here quoted, is in two Volumes octavo, which are filled with Comments on the Mis-statements, Inaccuracies, or Errors in the Bishop's History, to which the Reader is referred, as it would be tedious to repeat the detections here.

Mis-statements in the Bishop's History contradicted by Records.

Burnet in his History in 1685 says, the Revenue was granted to James for life, and every thing else that was asked with such profusion, that the House was more forward to give than the King was to ask:—To which the King thought fit to put a stop, by a message, intimating that he desired no more money that Session.

Octavo Edition, London 1766, p. 321.

Here is a positive mis-statement of a fact, which could by no possibility have arisen from a mistake, as the Doctor was on the spot at the time. The willingness of the two Houses to grant money to his Majesty was most unquestionable; but it is equally certain that his Majesty sent no message, nor took any other measure, to check or to stop the grants: On the contrary, he was urgent with the Houses for supplies, not finding their zeal, remarkable as it was, active enough.—In his speech on opening the Parliament 22d May 1685, on asking for his brother's revenue for life (which he had previously helped himself to as has been shewn) the arguments which he said he might use to enforce the demand were the benefit of trade, the support of the Navy, the necessity of the Crown, and the well being of the Government itself(*b*). That was given by acclamation, and the Bill received his Majesty's assent on the 30th of the same month;

(*b*) Journals of the H. C. vol. ix. p. 714.

on which day he made another speech, in which he calls upon the House for a further supply for the Navy, Ordnance, and anticipations of the Revenue, (notwithstanding the regular remittances from France in the end of Charles' Reign) and for the debts of the late King to his servants and family (notwithstanding his Majesty found 90,000 guineas in his brother's strong box): Which further supply the Commons unanimously voted the same day, and was carried into effect by two acts which received the royal assent the 16th June (*c*). And on the 18th his Majesty sent a message to the Commons for a still further supply, by a vote of credit, on the D. of Monmouth landing in the West; in consequence of which the House voted 400,000l. immediately after the message was read (*d*) and also a tax to meet the charge, which received the Royal assent the 27th of the month, on new resolutions adopted on the 20th (*e*). And on the 2d of July there was an adjournment, continued till November,

(*c*) Lords Journals, vol. xiv. p. 44.
(*d*) Commons Journals, vol. ix. p. 740.
(*e*) Do. p. 742. and Lords Journals, vol. xiv. p. 65.

without any other message from the King. In his Majesty's speech on meeting the two Houses the 9th of November, he however again presses earnestly on their consideration the granting him fresh supplies; but their zeal for granting having then been checked by the Test having been dispensed with, as stated in the Observations; and the House having expressed their sense of that measure in an address, the King prorogued the Parliament on the 20th, and it never met again.

In the same period, the Bishop states, "The alarm of the Duke of Monmouth's landing was brought to London: Where, upon the *general report and belief* of the thing an Act of Attainder passed both Houses in one day: Some small opposition being made by the Earl of Anglesey, because the evidence did not seem clear enough for so severe a sentence, which was grounded on the notoriety of the thing.

It is so far from being true that the legislature adopted the measure against the Duke of Monmouth on a general report, and that it was grounded on the notoriety of the thing, that the King on the 13th of June communicated to the two Houses a letter from Alford the Mayor of Lyme, giving a particular account of the Duke's landing there and taking possession of the Town.—The bill for attainting the Duke was brought in, and passed both Houses

on the 15th; It received the Royal assent the 16th.

Lords Journals, vol. xiv, p. 39. 42. 44. Commons Journals, vol. ix. p. 735. 737.

In giving an account of what passed in the meeting of the Convention, after the abdication of King James, respecting the vacancy of the Throne, and its being filled by the Prince and Princess of Orange, the Bishop says, having had a great share myself in the private managing of those debates, particularly with many of the Clergy, and with the men of the most scrupulous and tender consciences, I have given a very full account of all the reasonings on both sides, as that by which the reader may form and guide his own judgement of the whole affair. Many protests passed in the House of Lords in the progress of the debate. The party for a Regency was for some time the most prevailing; and then the protests were made by the Lords that were for the new settlement. The House was very full; about 120 were present; and things were so

The three days on which the important discussions took place in the House of Lords were the 31st January, the 4th and the 6th of February 1688-9, and the number of Lords present were 100, 111, and 112, there were only three protests in the whole; and there certainly was not one against the final vote, that the Prince and Princess of Orange shall be declared King and Queen. The two first protests against not agreeing with the Commons in their votes were of course made by the Whig Lords, and the one against agreeing with the Vote of the Commons, for the abdication and consequent vacancy of the Throne, was by the Tories, among whom (38 in the whole) were 12 Bishops out of 17 present. The greatest number of the Whigs who protested were 36.

Lords Journals, vol. xiv. p. 113, 116. and 119.

near an equality that it was at laſt carried by a very small majority, of two or three, to agree with the Commons in voting the Abdication, and the vacancy of the Throne. Against which a great protest was made; as also against the final vote, by which the Prince and Princess of Orange were desired to accept of the Crown, and declared to be King and Queen; which went very hardly.

Among a great number of MS. Notes of the ſecond Earl of Dartmouth, in the margin of the Bishop's History (folio edition) the following are ſelected as applying most immediately to the reliance that may be placed on his facts.

Page 3, 16th line from top; speaking of his impartiality.

He was extremely partial, and readily took every thing for granted that he heard to the prejudice of those he did not like; which made him paſs for a man of less truth than he really was. I do not think he designedly published any thing he believed to be false.

Page 4, 1st line; where he speaks of re-touching and polishing his work.

Mr. Secretary Johnston, who was his intimate friend and near relation, told me, that after a debate in the House of Lords, he usually went home and altered every body's character as they had pleaſed or displeased him that day.

Page 39, 16th line from bottom; speaking of the Marquis of Montrose.

Which might have been one inducement for the Bishop to give so malicious an account of the Marquis of Montrose's transactions, he having been a domestic servant in the Hamilton Family: tho' the last Duke Hamilton used to tell very **strange* stories of Father Burnett's (which he always called him) behaviour whilst he was in their house; not only to me, but in all public companies; but I never heard the Bishop durst contradict them.

* The word used by the Earl conveys more than the one here substituted for it.

Which unhappy distinctions no man living was more ready to foment than the good Bishop himself; and the first enquiry he made into any body's character was, whether he were a Whig or a Tory; if the latter, he made it his business to rake all the spiteful stories he could collect together in order to lessen their esteem in the world, which he was very free to publish without any regard to decency or modesty.

Page 43, 10th line from bottom; mentioning the origin of the term "Whigs."

Mr. Francis Gwin told me, that as soon as this Book was published, he asked the Duchess of Monmouth if she remembered any thing of this story; she answered, it was impossible she should, for there was not one word of it true.

Page 549, 12th line from top; charging Charles the 2d with treachery respecting her apartments being searched for her husband.

I wrote in the first Volume of this Book that I did not believe the Bishop designedly published any thing he believed to be false; therefore think myself obliged to write in this, that I am fully satisfied that he published many things that he knew to be so.

Vol. 2 at the end of the list of subscribers.

Certainly the Bishop was thinking of some of his own performances, when he thought there was a thread of falsehood that ran through the work. The pamphlet he mentions was a bare recital of matter of fact, known to be true, or easily to be proved so, and was yet never answered with truth, or ever can. The Bishop had good reason to dislike it, because it contained a full answer to most of his malicious insinuations and wilful misrepresentations.

Page 581, 19th line from top; alluding to a pamphlet entitled, "The Conduct of the Allies, and of the late Ministry."

Thus piously ends the most partial, malicious heap of scandal and misrepresentation that was ever collected, for the laudable design of giving a false impression of persons and things to all future ages.

Page 632, last line.

This last remark is written opposite to the following concluding paragraph in the Bishop's History: "I pray God it may be read with the same candour "and sincerity, with which I have written it; and with such a degree of attention "as may help those who read it to form just reflections, and sound principles of "religion and virtue, of duty to our princes, and love to our country, with a "sincere and incorruptible zeal to preserve our religion, and to maintain our "liberty and property."

From Lord Lansdowne's Works, folio 1732.

" The learned Divine could not but know that to affirm a positive falsehood in excuse of the dearest friend at the expence of an innocent man's character, is doctrine no where allowed where Christianity or common morality is practised"—p. 470.

The Bishop's hearsays are in most cases very doubtful: his history is indeed little else but such a one told such a one, and such a one told me: This sort of testimony is allowed in no case; nor can the least certainty be built upon stories handed about from one to another, which must necessarily alter in the several repetitions by different persons. I shall then conclude without observation, only upon the most important hearsay in his whole work, upon the credit of which the rest may depend.

His Lordship had it from Mr. Henley, who had it from the Duchess of Portsmouth, that King Charles the Second was poisoned. It was my fortune to be residing in Paris when this history was published: such a particular was too remarkable not to raise my curiosity: the Duchess was then at Paris: I employed a person who had the honour to be intimate with her Grace to enquire from her own mouth into the truth of this passage: her reply was this: " That " she recollected no acquaintance with Mr. Henley, but she remembered well " Doctor Burnet and his character: That the King and the Duke and the whole " Court looked upon him as the greatest lyar upon the face of the earth; and " there was no believing one word that he said." I only repeat the answer I received: far be it from me to make any such reflection.—p. 496.

Appendix, N° 7.

REFERRED TO IN THE OBSERVATIONS, P. 191.

ENROLMENT in Chancery of King Charles the Second's Declaration that he was not married to the Mother of the Duke of Monmouth.

* Secunda Pars Clauſ de Anno Regni Regis Caroli Secundi Tricesimo secundo.

REGIS DECLARACÕES. (30.) MEMORANDUM that Tuesday the fifteenth day of June in the two and thirtieth yeare of the reigne of our Soveraigne Lord Charles the Second &c. came into the High Court of Chancery the King's Attorney Generall; and according to an order made by the King in Councell the second of the same moneth of June in the said two & thirtieth yeare of His Majesties reigne, moved that the two severall declaracons of His Majestie hereafter menc̃oned, both written by His Majestie with his owne hand be inrolled amongst the records of this Court, for the safe custody of them; and said that divers noble persons were by the King's comand present to witnesse them.

WHEREUPON the Court directed that the originall declaracons themselves should be produced and read, and the witnesses to prove them sworne.

The former of which declaracons was thereupon produced and read in the words and figures following:

There being a false and malitious report industriously spread abroad by some who are neither friends to me or the Duke of Monmouth as if I should have

* From the Original Record, in the Chapel of the Rolls.

beene either contracted or married to his mother; and though I am most confident that this idle story cannot have any effect in this age, yet I thought it my duty in relacon to the true succession of this crowne and that future ages may not have any pretence to give disturbance upon that score, or any other of this nature, to declare as I doe here declare in the presence of Almighty God that I never was married nor gave any contract to any woman whatsoever but to my wife Queene Catharine to whome I am now married. In witnesse whereof I sett my hand at Whitehall the sixth of January 167⅘. CHARLES R.

And this declaracon I make in the psence of

W. Cant	H. Finch Canc^r
H. Coventry	J. Williamson.

And then the Archbishop of Canterbury, the Lord Chancellor, Henry Coventry Esq^r and Sir Joseph Williamson, being the persons that subscribed the said declaracon did depose and sweare as followeth, that is to say:

The said Archbishop did depose that upon the sixteenth of the same January the King called him into a roome within his bedchamber and read the declaracon above recited to him, and then gave it into his owne hand and bade him read it himselfe; which he did, and after that his Majestie was pleased to declare that it was all of his owne hand writing and of his owne inditing, and did very solemnly with his hands and eyes lifted up affirme in the psence of God that all the contents of that paper were true, whereupon he the said Archbishop by the King's comand did subscribe it by way of attestacon just above the Lord Chancellor's name which he found subscribed to it before.

The Lord Chancellor deposed that on Sunday the twelfth of January in the morning at Whitehall, after his Majesty returned from chappell, his Majesty comanded him to wait upon his Majefty alone in his inner closet by the water side; and there read to him the paper now showne, written all with his Majestye's

owne hand, and subscribed CHARLES R. but not sealed, and his Majestie comanded him the said Lord Chancellor to write his name as a witnesse to it. The Lord Chancellor said it was fit for his Majesty in the first place to add by way of postscript And this declaracon I make in the psence of. which his Majesty did imediately write with his owne hand. Then he the said Lord Chancellor desired to know of his Majesty what other witnesses he intended to call to it, that he the said Lord Chancellor might write his name at a due distance; his Majesty was pleased to say he would have him and the two secretaries. The Lord Chancellor then told him that to a businesse of this nature the most proper witnesse that could be called was the Archbishop of Canterbury: So he the said Lord Chancellor left a space for his the said Archbishop's name, and subscribed his owne as it now stands.

The said Henry Coventry deposed that both the former hands were sett to it before he subscribed it, and that he did subscribe itt; and that this produced is the very same paper, and that the King said it was his owne hand and protested the truth of it.

The said Sir Joseph Williamson deposed that the King called him into the inner closet and read the declaracon, and bid him read it, and that the King did declare in the psence of God that it was his declaracon; and declared the truth of it, and that he was never married to Mrs. Barlow.

Then the second declaracon was read, and alsoe the coppy of it, as it is entred in the Councell Bookes; and they being examined and compared agreed exactly, being in the words & figures following:

For the avoiding of any dispute which may happen in time to come concerning the succession of the crowne I doe here declare in the psence of Almighty God that I never gave nor made any contract of marriage, nor was married to any woman whatsoever, but to my psent wife Queene Catherine now living. Whitehall the Third of March 167⅞. CHARLES R.

After which imediately follow in the Councell Bookes the words and Letters following. His Majesty comanded us who were p̃sent att the makeing and signing this declaracon to attest the same.

Finch C. Danby. Lauderdale. Worcester. Essex. Bathe. Craven. Aylesbury. Ossory. Arlington. Sunderland. Clarendon. H. London. N. Durham. W. Maynard. G. Carteret.

And then the persons whose names are above subscribed, being all of them p̃sent excepte the Earle of Danby and the Bishop of Durham whoe were now absent and Sir George Carteret, who is now dead, did depose and sweare as followeth that is to say:

The Duke of Lauderdale uppon viewing the Councell Booke, did sweare that he heard the King declare it, and that the King's Hand is to it, and his owne hand is to it, and that he saw the King signe it, and that it is the same as it is now entred.

The Marquesse of Worcester did depose that the King produced the declaracon in Councell written and signed with his owne hand; and comanded that it should be entred; that he saw the King signe the entry, and that he did subscribe it in the booke by the King's comand; and that he likewise heard his Majesty make the same declaracon by word of mouth.

The Earle of Ossory deposed that the declaracon was entred in the Councell Booke by the King's comand, and that the King did subscribe it, and that the Earle of Ossory himselfe did subscribe it by the King's comand.

The Earle of Arlington deposed, that he doth remember his Majestie's producing in Councell the declaracon in paper, that the King did underwrite that in the Councell booke, being entred there by his comand, and comanded that it should be soe underwritten as it is by several Lords p̃sent, and remembers his owne name to be his owne hand writing.

The Earle of Sunderland deposed that he heard the King declare it; and comanded it should be soe underwritten as it is; that he saw the King signe it, and that he the Earle himselfe did subscribe it.

The Earle of Clarendon deposed that he heard the King make the declaracon and comanded it should be entred in the Councell Booke; and that he saw the King signe it after it was entred. His Majesty then comanded the Lords who were psent to subscribe the same which they did, and he the said Earle subscribed it likewise.

The Earle of Essex deposed that he heard the King declare the words; and that the King did signe it and comand it should be entred and subscribed; and it was done accordingly.

The Earle of Bathe deposed that he heard the King make the declaracon; and comand it should be entred and subscribed, which was done accordingly. That he saw the King signe the booke, and his the said Earle's name is to it as a witnesse.

The Earle of Craven deposed that the King made the declaracon above menconed; and comanded it should be entred into the Councell Booke, which being done his Majesty signed it and required all the Lords then psent to signe it alsoe which was done accordingly by the said Earle.

The Earle of Aylesbury deposed that he heard the King make the declaracon; and that he did signe it and comand it should be entred and that he the said Earle did subscribe it himselfe.

The Bishop of London deposed that he heard the King declare it; but he did not see the King signe it, but doth believe it is the King's hand; but he himselfe did subscribe it, and it is the same declaracon.

The Lord Maynard deposed that he heard the King declare it, but did not see him signe it, being at the lower end of the table: That the King comanded it should be entred, and he himselfe did subscribe it.

The Lord Chancellor deposed that he saw the King signe the declaracõn, and that he comanded the Lords to take notice of it and that it should be entred and he himselfe did subscribe it and it is his hand that is to it.

Sir John Nicholas, one of the Clerks of the Councell, deposed that he by the Kings comand entred the declaracõn with his owne hand in the Councell Booke from the originall written in his Majesties owne hand, and it is the same, and that he saw the King and the Lords now p̃sent and sworne subscribe the same; and that he saw the Earle of Danby, the Bishop of Durham, and Sir George Carteret late Vice-chamberlaine to his Majesty subscribe it alsoe.

William Bridgman and William Blathwayte Esquires, two clerkes of the Councell in extraordinary, depose that all that Sir John Nicholas had now sworne was true; and that they saw his Majesty signe the declaracõn in the Councell Booke, and the severall Lords above named subscribe the same.

Whereupon it was ordered by the Court that the said declaracõns and depositiõns should be inrolled in this Court for the safe p̃servacõn and custody of them.

Et memorand qd p mandatum p̃honobilis viri Heneag̃ d̃ni Finch Baron̄ de Daventry d̃ni Cancellar' Anglie in hec verba videlt (lett the declaracõns and depositiõns aforesaid be entred and enrolled for safe custody in the Office of The Petty Bagg and Office of Enrollments. H. Finch Canc̃) Declarações & depositiõnes p̃dict de verbo in verbum prout p̃scribunt' irrotulant'.

Ir̃ vicesimo die Augusti anno R. R. Caroli sc̃di p̃dc̃i tricesimo secundo.

Appendix, N° 8.

REFERRED TO IN THE OBSERVATIONS, P. 190.

* An ACCOUNT of the Actions and Behaviour of the Duke of Monmouth from the time he was taken to his execution.

London, 16th July 1685.

THE Duke of Monmouth, from the time of his being taken in the West, shewd a wonderful concernedness to save his life; and stuck at nothing that could secure to him the hopes of dooing it. His Majestie was the first person that he made his application to, by a humble and submissive letter: the Queen Dowager, that formerly hade the reputation of being his friend, during his disgrace with the late King, was not forgot: And my Lord Treasurer was importuned on that same head. He thought he would not fail in his requeſt to the King, if he would be so happy as to be admitted to the honour of seeing him in private; giving the King to underſtand that he has such important maters to communicate to his Majestie, that should secure his whole nations against the fears and disturbances of rebellion and sedition ever after: And that by the satisfaction he imagines this discovery would give the King he doubted not, but in some measure, to deserve pardon upon this consideration. He was admitted to see the King at Mr. Griffin's; where, at his Majestie appearing, he fell down on his knees, & with much earnestness begged his life, & his Majestie's pardon for what he hade done. The King told him, of the latest. The substance in generall of what he told his Majestie, & as yet has come to my knowledge was: That he

* From a Manuſcript belonging to the Family of Buccleugh.

was deceived & imposed upon by a company of rogues and villans, that flattered him with the hopes & promises of achieving of great matters; & that if he land once on English ground all the nation would appear for him; that several cities & counties would declare for him at the first report of his being ready to head them: That he had frequent encouradgements to undertake that unfortunate expedition: That his assumeing to himself the title of King, & causing the same to be proclaimed, was both against his judgement & inclination: But that it was ane artifice they made use of, to make him believe that by so doing, all the gentry, as well as the rabble, would come in to him: That Fergusone was chiefly the person that instigat him to set up his title of King, & had been a main adviser and contriver of the whole affair, as well to the attempting as acting what was done: That it was Ferguson that penned the declaration, & published it afterwards, & hade the greatest share in the worst designe & resolution that was taken: That the designe of invading the nation in that manner he did, was not formed three weeks or ane moneth before it was executed: That the supplyes of money came from private hands & none from publick. That one Look, an Anabaptist in Holland, hade helped him to a thousand pounds for his own share, & hade promised to have followed him into England in five days after his landing there with a very considerable soume of money, that he assured him would be gathered amongst persons of his own acquaintance & well affected to the designe: That it was by much importunity of these rogues he was prevailed upon to take that expedition. This is what I have learned of what passed in general; but as to particular persons and things, I have no light into.

That night he was carried away to the tower; & the Duchess his lady, haveing obtained leave of his Majestie to see him, and desireing my Lord Privie Seall might be by all the while, that no discourse might pass betwixt them but what was fitting his Majesty should know, was conducted to him by his Lo. The first interview was melancholy enough. He saluted her, & told her he was very glade to see her: Most of the discourse that passed afterward was directed

to my Lord Privy Seall, & insisted of much what he had said to his Majestie, but inlarged on the topicks that might induce his Majestie to save his life ; fancieing withall, that he hoped that he hade given his Majestie satisfaction so as not to despair of pardon. That his life would be of service to the King, as knowing the bosome of all the disaffected persons in his dominions, & therefore capable of all their ill designs & preventing therof against his person or government. The Lord Privie Seall told him that he hade no order or commission from his Majestie to say any thing to him, but to wait on his Lady & conduct her to him. That if he had any thing to say to him in relation to his affairs and children, that he would lose no time in doing of it: That if he was not willing he should be present at what he had to say to his lady, he would withdraw into the next room: And for his hopes of satisfying the King, he knew best himself what was past betwixt them, and what ground he hade to hope when he parted from the king. At his being convinced now of the villany and knavery of these men that set him upon that false designe, and concurred with him in the execution of it, was no more then what was long before, haveing declared so frequently to the late King in the hearing of so many persons that they were knaves & villans; that Ferguson was a bloody rogue & alwayes advised to the cutting of throats, & how should it happen that he should suffer himself to be ruled and imposed upon by them. This was the substance of his Lo. discourse, to which at several times he made replys, that he hade nothing to say to the Lady but what his Lo. might safely hear: That he was oblidged to his Lo. for the great friendship & kindness he was pleased to shew her, for the last in particular. But the notion of hopeing for pardon running strangely in his head as done . . . . . Nothing was called of what always came in, askeing frequently if there were no hopes of mercy, alleadgeing that his . . . desire he hade of makeing the King's reigne happy & easie, which he fancied would certainlie happen if his life were spared. Then the Duchess took the liberty to interrupt him in these digressions and imaginary expectations of life, & after some general things asked him, If ever she hade the least notice & correspondence with him about these matters? or hade

ever assented to or approved of his conduct during those 4 or 5 last years; if ever she hade done any thing in the whole course of her life to displease or disoblidge him or ever was uneasie to him in any thing but two, one as to his women, & the other for his disobedience to the late King, whom she always took the liberty to advyse him to obey & never was pleased with the disobedient course of life he lived in towards him? If in any thing else she had failed of the duty & obedience that became her as his wife, she humbly begged the favour to disclaim it, & she would fall down on her knees & beg his pardone for it. To which moving discourse he answered, that she hade always shewen herself a very kind, loveing & dutiful wife toward him, & hade nothing imagineable to charge her with; either against her virtue & duty to him, her steady loyalty & affection to the late King, or kindness and affection towards his children: That she was alwayes averse to the practise of his life and behaviour towards the late King & advised to great complyance and obedience towards his commands.

This is in short what was most remarkable in the first interview & conversation. Munday night, the nixt day, the intimation of his execution to be on Wednesday thereafter, was first brought to him by the Bishops of Eli, Bath and Wales, who stayed the most of the day & night with him. All the while he importuned more of his former acquaintance, especially such as he thought to have any credit or interest with the King, to intercede for him; at least for a longer respyte. The Lord Annandale & the Lord Dover were frequently sent for to come & speak with him. The latter not being in town, could not give him that satisfaction he promised himself if he saw him. The first hade leave to go & see him; & the business was, that he would be pleased to go & wait on his Majestie, & reinforce the arguments he hade formerly used towards the saving of his life. The Queen hade a letter from him to that purpose, as also the Queen Dowager. But all signified nothing. And when he saw all his endeavours & solicitations to be unsuccessfull, he layed down his hope of liveing & bethought himself of the well-employing the few hours that remained.

The two Bishops I named were attending to the last minute upon the scaffold, as also Doctor Hooper, Doctor Tinnison of S^t^ Martine's in the Fields, whom he usually heard when he lived in London, before his first disgrace. The heads of the Divines discourse with him, was to make him sensible of the former course of life he led & of the rebellious part of the last of it; he haveing abandoned himself to all sorts of lusts without regard to the laws of God or man: and liveing for the last two years in the public practise of it with the Lady Henrietta Wentworth. Moſt of their discourse insisted upon these two things; & their chief labour was to make him sensible how grievous & unpardonable these crimes were, unless humbly confessed & sincerely repented of. The substance of what he said to both these points was; That he was none of those whom the world called Atheists, that believed not a Supreme Being or future state, that with all profound respect & suitable adoration he believed both; that he was of the religion of the Church of England, and believed all the articles & doctrine of it, without excepting any; that it was too true that he hade for a long time lived a very dissolute & irregular life, & being guilty of frequent breaches of the conjugall vow: That he hade oft humbled himself for it before God, & hoped he would pardone him: That as for his conversation with the Lady Henrietta Wentworth, whom the world had much aspersed because of that, he knew her to be a vertuous and godly lady (these were his own words) & far from deserving the unkind censure she ly's under on his accompt; that it is true that their conversation was very intimate together; & whatever was of it he had consulted God in prayer about it, to know his pleasure & approbatione, & had not met with anie returne that marked his dislike or discountenanceing of their conversatione: that for the last two yeares he had made it his business to lead a more sober & regular course of life then he had done before, & especially to guard himself against the sins of incontinencie & lust; towards the effecting therof he did what he could to subdew & mortifie his body by frequent fasting & prayer & had not the temptatione of anie irregular desire or appetite towards that lady, but was the farthest from it in the worlde; but if

at anie tyme through inadvertencie or sudenlie of passione ane oath proceeded from him, he seldom faillzied of retyreing himself, & beging God pardone for it: And as to the other point he said it was true he offended the King in invading the nation in ane hostile way, & that it was his misfortune to be . . . into it by . . . . persuasiones of ill men that haunted his companie: That he was sorrie for it, and beged God pardone for it & the King; that he owned the King to be the only true and lawfull King & renunced & disclaimed all title & pretentiones to the croune, the leat King having told him he was not his lawfull son, which did abundantly remove from him all the hopes & notiones wherwith he might have flattered himself with; this last pairt he wrote & signed with his hand to be delyvered to his Majestie & published to the world, the two Bishops and two Doctors having signed as witnesses to it.

This branch of his discourse pleased them more than the former; which he perceiving & desyring he might have the sacrament, but they finding him not qualified for it by reasone of his not owening his sinfullnes of his conversatione with that lady, nor ane signe off repentance for what had bein betwixt them, thought fitt to refuse him. They laboured much to remove that erroneous opinione that betrayed to that unjustifiable conversatione with her, of which the world has talked soe scandalouslie of late years. They told him by noe law ever observed or practised amongst Christians, no by anie law of the land, could it be allowed him to have anie other woman but his wyfe, that he was lawfullie married to & had solemnly vowed to have none other dureing his lyfetyme: That of necessitie, for all that her virtue & goodnes that he talked of, she must be either his whore or his wife; this she could not be because he was married before to his lady the Dutches of Monmouth, & had lawfull begoten childeren of her, and the law could not allow of tuo wives, for she most neids be no better than his whore, of which he had reasone to repent & acknowledge his guilt. To which he said, that when he was married to the Dutches of Monmouth he was verie young, & under age, & did not weel know

what he did or obleidge himself to performe on that accompt: That he had not that perfect love & affectione for her that either she deserved or he wished himself to have had towards her, which was the occasione of his goeing so frequently astray from her & the running after other women: That the Ladie Henrieta Wentworth was the persone in the world that cured him of that wandring appetite, haveing mett with in her conversatione all the blessings he could promise himself or expect: That they had consulted God by prayer & fasting about it, & was satisfied in their consciences of the innocencie & sinceritie of the intentione; and talking thus enthusiastically on that head, and giveing noe better reasone for his opinione & practice then what is her sett doune, he went on to the great amazement of those learned & pious divynes. And to interrupt him, one of them asked him, If he allowed of poligamie, of fornicatione, & adulterie, or thought them to be sins. He answered by a full disowening of poligamie, adulterie & fornicatione; & believed them to be damnable sins, which unles repented of, they who are guilty of them cannot be saved. Yet for all this they could not disengadge him of these od notiones he intertained off his conversatione with that ladie. Aneother asked, if he owned the Dutches of Monmouth to be his lawfull wife, and his childeren to be his lawfull childeren? To which he replyed, That she was his lawfull wife & he owened her as such; that his childeren were his lawfull begotten childeren. This is in substance what passed on Tuesdaye.

On Wednesdaye untill he was led furth to executione the divines continowed & renued their pious endeavours to prepaire him for aneother world. Frequent pious discourses and repeated prayeres were used by all of them. Sometymes they prayed with him, & sometymes he was left to praye himself alone. His behaviour all the tyme was brave & unmoved, & even dureing the last conversatione & farewell with his ladie and childeren, which was the mourningest scene in the world, and noe bystanderes could see it without melting in teares, he did not shew the least consernedness. He declared before all the companie how

averse his Duches had bein to all his irregular courses; that she had never bein unease to him on any occasione whatsomever, but about women and his faillzing of dute to the leat King; & that she knew nothing of his last designe, not having heard from himself a year before, which was his owen fault, & noe unkyndnes in her, because she knew not how to direct her letteres to him. In that he gave her the kindest character that could be, & beged her pardone of his many failzeings and offences to her, and prayed her to continow her kyndnes and caire to his poor childeren. At this expression she fell down on her knees with her eyes full of teares, and beged him to pardone her if ever she had done any thing to offend and displease him, and imbraceing his knees fell into a sound, out of which they had much adoe to raise her up in a good whyll after. A little before his childeren were brought to him, all crying about him; but he acquytt himself of these adewes with much composednes & sinceritie of temper, shewing nothing of weaknes or unmanlienes.

About ten acloak he was earried out of the tower in coach. And after haveing passed the bridge was delyvered into the Sherifs hands, who led him alonge up to the scaffold. Noe man observed more couradge, resolutione & unconcernednes in him, any time before then appeired in him all the whyll he walked to the scafold, while he mounted the scafold, and whyll he acted the last pairt upon it. As he walked to it all the horse & foot guards were drawn up round about the scaffold on Towerhill. He saluted the guards & smyled upon them. When he was upon it, the Sherif asked him if he had any thing to say. He told him he was never good at the makeing of speeches, & would not begin now; for he was sure he would not be heard; & if he were it would signifie nothing. Only he told him he had on thing to saye which related to the reputatione of a verie vertuous & worthie young ladie, which had suffered much on his accompt, & therefore would give the world that publick & last testimonie of her innocencie & vertue; & so run on in her comendatione, till that the Sherif interrupted him, by asking if he was married to her, that he took soe

much paines to vindicate the familiaritie of his conversatione with her. To which the Duek ansuered with some motione, that it was no tyme now to answer particular questiones; he being full of her ever to the verie last, could not forbear concludeing his lyfe with breacking furth the last testimonie of his esteem & affectione to her. He declared that he dyed in the belief of the doctrine of the Church of England. Then they went to prayer. He said amen, heartilie to all the articles of the Letanie, & prayed heartilie for the King. In his owen partikular prayeres, he desyred that God would pardone him all his knowen & unknowen sins; especiallie those of the last pairt of his life, & the blood that had bein shed upon his accompt, if anie poor soul were lost upon that occasione, & not laye it to his chairge. And the divines, addressing him anew, with a renuceing of that erroneous opinione about that ladie, he said, if he was mistaken in that opinione, he beged God pardone for it, & of all the consequences of it.

After that the devotionarie & interrogatorie pairt had bein over, he went to that pairt of the scaffold where the block & ax laye. The axe he took into his hand, & felt the edge of it, saying to Jack Ketch, the executioner, that sure the ax did not feill as if it were sharp enough, & prayed him that he would doe his office weill, & not serve him as he was told he had done the late Lord Russell; for if he gave him tuo stroaks, he would not promise him that he would lye still to receive the third; & putting his hand in his pocket, gave him six guinies; telling him, that if he did his dutie weell, he left six more in his servant's hands to be given him after he was dead, provyding he did his busines handsomely. All this he said with alse muche indifferencie & unconcernednes as if he were giveing ordours for a sute of cloathes. Noe change nor alteratione of countenance from the first unto the last; but stript himself of his coat; & haveing prayed, layed himself doune, & fitted his neck to the block, with all the calmnes of temper and composer of mynd that ever hath bein observed in any that mounted that fatall scafold before. He would have no cap to his

head, nor be bound, nor have anie thing on his feace; & yett for all this, the botcherly dog, the executioner, did soe barbarously act his pairt, that he could not at fyve stroaks of the ax, sever the head from the body. At the first, which made only a slender dash in his necke, his body heaved up & his head turned about; the second stroak he made only a deeper dash, after which the body moved; the third, not being the work, he threw away the ax, & said, God damne me, I can doe noe more, my heart fails me. The bystanders had much adoe to forbear throwing him over the scafold; but made him take the ax againe, threatening to kill him if he did not doe his deutie better, which tuo stroaks more not being able to finish the work, he was fain at last to draw furth his long knife & with it to cutt of the remaining pairt of his neck. If there had not bein a guard before the shouldieres to conduct the executioner away, the people would have torne him to pieces, soe great was their indignatione at the barbarous usage of the leat Duck of Monmouth, receaved at his hand. There were many that had the superstitious curiositie of diping their handkerchiefs in his blood, & carreying it away as a precious relique.

Thus I have delyvered your Lo. a rude historicall draught of what has come to my knowledge from originall hands, concerning the last three dayes of that unfortunate gentleman's life; haveing marked the most substantiall & materiall thing I could gather from the tyme he came to Whythall till the last act of his life, & his coffine. They are soe unusuall & inconsistant in a maner that on knowes not how to reconceill them to ane other, & I am apt to beleive on shall hardly meitt in historie the life of aine hero, ancient or moderne soe manie surprysing & unsuteable characteres concurring in on persone to be excessivly fond of life, & yet verie unconcerned at pairting with it. But these calculationes I leave to your wittes and philosopheres of the age.

He left noe other peaper, then that where these few lines were writt, where he declared he had noe title or clame to the croune, because he was illegitimate, &

that the late King had told him and assured him of it; wherefore he humbly beged the King that he would be pleased to be kynd to his poor childeren. The Dutchess of Monmouth has demained her self, dureing this severe tryall & dispensatione of providence with all Christian temper & compositione of spirit, that possibly could appeir in a soule soe great & vertuous as hers. His Majestie is exceedingly satisfied with her conduct and deportment all alonge, and has assured her that he will take a cair of her & her childeren. In the afternoone many ladies went and payed the complement of condolance to her, & when they had told her how great reasone she had to bear this dispensatione with that vertue that has appeired alwayes in the actiones of her life, and how the world celebrated her prudencie & conduct dureing her late Lord's disloyaltie and behaviour to the late king, and his unkyndnes to her; that justly gave her a name that few of the former or present ages ever arryved at. To which she modestly replyed, that she had bought that comendatione dear.

I forgot to tell your Lo. that among other discourses that past betwixt her husband & her, she declared that for the last four or fyve yeares she had receaved but out of her estate in Scotland 1100l.; all the rest being employed by him. He was cloathed in a gray cloath sute, plaine linings & dark periwig. His bodie & head was put into a coffine, & that into a black hearse.

My Lord,

Your Lordship's

I. F.

Appendix, N° 9.

DIARY of Sir Patrick Hume (who came over with King William) on the March from Exeter to London 1688.

MEMORANDA of the March from Exeter (*a*).

MONDAY 26th Novr I left Exeter & marched 15 miles to Honyton; 27 to Exminster 8 miles thence to Crookhorn.

28th I marched 12 miles to Sherburn; where I stay'd the 29th. 30th the Prince quartered at Winekanton: I quartered 5 miles forward, 12 in all, at Mere in Wiltshire.

(*b*) 1st of Decr the Prince quartered at Hindon 10 miles: I quartered that night & Sunday the 2d at Fonthill Gifford, in Squire Cottington a papist's house.

(*a*) Sir Edward Seymor was left governour at Exeter; and Major Gibson comandant of the garison.

E. Leven's regiment was left at Topsom, near Exmouth.

(*b*) Several of K. Ja's horse & dragoons came in to the P. at Hindon.

Monday 19 Nove K. Ja. came to Salisbury. Tuesday viewing the plaines on horseback to choose a camp, he fell in excessive bleeding at the nose, was 4 times let blood that week & parted toward London on Saturday the 24th.

Monday 3d Decer the Prince stay'd, & I marched on 6 miles to W .... that morning ambassador Siters of Holland came to the Prince; also an express from the E. of Feversham, generall of K. James his army, by his order, desiring a safe conduct for some to be sent, which was granted. Tuesday the 4th the Prince came to Salisburie 9 miles where we quartered, here many of the first rank came in to the Prince.

The E. of Oxford came in on Tuesday at Salisburie, P. George; the D. of Ormond, the E. of Drumlanrig, came in at Sherborn Friday Novr 30.

The Princess of Denmark escaped from Whitehall in nightgoun & slippers & came to the Bishop of London's house; thence to the E. of Devonshire at Nottingham.

The E. of Shrewsbury was sent to sease Bristoll; but it was given up to the Ld Lovelace for the Prince before he came at it.

The graev Van Strum was sent from Sherburn to the fleet at Exmouth to go for Holland.

Friday the 7th the Prince came to Hungerfoord, & we went to Chilton & quartered in Doctor Parker's.

Upon Wednesday the 5th had a trumpet come from K. James his comissioners shewing that they were upon their way.

On Saturday the 8t the comissioners came to Hungerfoord viz. the Marq. Halifax, E. of Nottingham & L. Godolphin: the foot guards were drawen up & drums beat as they passed. The Prince called several English nobles to him; then Monss Bentink, Ld Chamerlane, led the comissioners in to the Prince: They had desired to treat with him in privat, but he refused, without the English Lords present.

Within a litle they were led to another room & the Earles of Oxford & Clarenden, & Mareshall Scomberg were sent by the P. to heare them, they told that the K. had designed to call a parlement; but the P. his coming with his army had stopped it, but that now finding a great inclination of the people to it, he has resolved to do it; they therefore desired that the P. w^d advance with his army no farder; that the parlement may meet in London whither all the Peers, even those joined with the P., may freely come upon a general indemnity to be given. It was answered, that the P. his army being now parted from Salisburie could not stop sooner then Oxford or London: but if the parlement sitt free, the K. and all his forces must part as far from London on the one side, as the P. is on the other; that so the parlement, with which only the K. is to treat & not with the Prince, may do it freely & safely.

Then the Commissioners dined with the P. who ſtayd some houres after dinner with them in a great company of nobles and such as came in to him; then they took leav and left the towne. Now the K. discharged all papists from civill imployments.

Saturday and Sunday the P. stayd at Hungerfoord: we went to Enkpen in Barkshire. Monday the P. went on to Newberry: we to Padworth 14 miles.

Tuesday the P. went to Abbington; we to Drayton 17 miles.

Wednesday the P. went to Wallingford; wee to Oxford 6 miles.

Thursday we went to the P. at Wallingford, and thence with him to Henlie, 18 miles.

Friday the P. came to Winsor, we to Hounslow 20 miles.

Saturday 15^th we came into London.

Sunday the K. came through the city in coach; his horse guards attending, to Whitehall.

Monday the P. came to Zion House, and lodged with the Countess of Northumberland.

Tuesday morning the K. went under the Prince's guards to Rochester.

About noone the P. entered Westminster, with great acclamation & tokens of joy among the people, & ringing of bells and bonfires at night: he lodged in St. James's. That day a meeting of the Lords Spiritual & Temporall declared for the Prince.

Wednesday some Bishops & many Lords came to salute the P. & to give him welcom.

Appendix, N° 10.

Character of William Prince of Orange, afterwards King of England, extracted from a long Letter in the hand-writing of Sir Patrick Hume, signed P. Hume, dated June 15th, 1688.

THE Prince of Orange, grandchild of great Prince William, murthered by the papists at Delfe, and of the great Admiral of France *, murthered in the masacre of Paris, the two grand combatters for the Protestants. One for doctrine bred a Calvinist; for religious practice, who excells most men so high in quality, & equall to the most part of whatever rank, of the serious and sincere in that communion, he being for virtue and good morals beyond many; those human infirmities naturall to poor mankind, and consistent with seriousness in religion, breaking as litle out, either for degree or frequencie from him, as from most part of good men, and not being habitual to him; one of a mild and courteous temper; of a plain ingenuous and honest nature; of a humane gay and affable carriage, without any token of pride or disdain; one educated and brought up in a Republike as free as any in the world, and enured to the freedom allowed by it, and possessed in it: His greatest enemie, if he knew him, or my greatest enemie, if he read this, must find his own conscience witnessing to his face that what I have said is true as to the Prince; and that I am one of more worth than to sullie my argument with a flaunting hyperbolie even in favour of a Prince.

* Prince William married Louise, daughter of the Admiral de Coligni, the widow of Teligni; who, as well as his father-in-law, was murdered in the massacre of St. Bartholemew.

THE END.

Strahan and Preston,
New-Street Square, London.

THE AUTHOR having stated * that the only attempt to exercise torture in England to be met with, was a proposition made in Council by Laud, then Bishop of London, to have Felton put to the rack, (except when a design was laid to introduce the Civil Law in England in the reign of Henry the Sixth,) he thinks it right to obſerve, that on the day these sheets came from the press, it occurred to him, that mention is made in our History of persons having been put to the rack, in order to extort confessions in cases of treason, in Queen Mary's time †. But when it is considered that the unanimous declaration of the Judges, referred to in Felton's case, was made little more than seventy years after Wyatt's Rebellion in 1554, and the pretended Conspiracy in 1555, it must be evident that those Judges did not consider the law as doubtful, even if the facts were true.

* P. 181 of the Observations.

† See the Introduction to Camden's History of Queen Elizabeth, p. 11, and Rapin's History, 8vo. 1729, vol. viii. p. 190.

ERRATA.

In the Text, of the OBSERVATIONS,

p. 210, l. 20, *for* Lyme *read* Torbay.

In the Notes,

p. 22, l. 6, *for* Lang *read* Laing.

p. 47, l. 6, *for* Affections *read* Affection.

p. 62, *after* Vol. ii. *dele* Part i.

p. 64, ditto ditto

p. 154, last line, *for* sont *read* sent.

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